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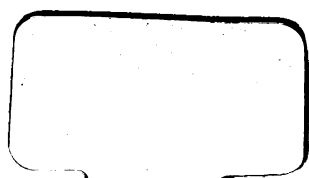
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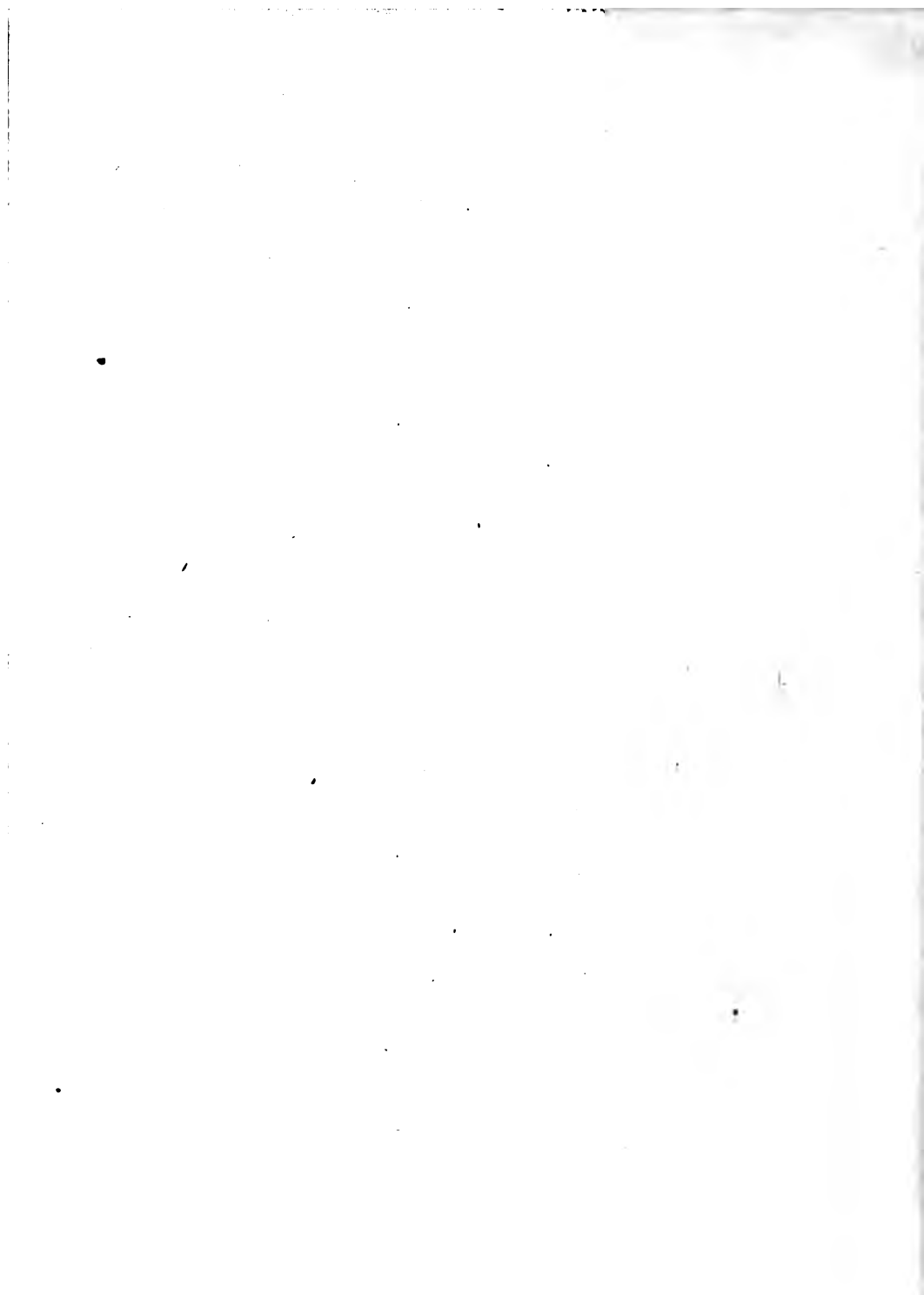
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PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,

PASSED BY THE
GENERAL ASSEMBLY
AT ITS
SESSION 1870-'71.



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PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1870-'71.

CHAPTER I.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE INCORPORATION OF THE TOWN OF WASHINGTON," RATIFIED THE EIGHTEENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact,* That on the fourth Monday in January, one thousand eight hundred and seventy-one, and annually on the fourth Monday in January of each and every year thereafter, there shall be elected by the qualified voters of the town of Washington, six commissioners, who shall elect one of their number to be intendant of police for said town, and the said commissioners and intendant shall have the same powers and authority as are now vested in the board of commissioners, except so far as the same are modified or abridged by this act.

Annual election.

Commissioners.

Intendant of Police.

SEC. 2. That said town be divided into three wards, as follows: All that part of said town which lies east of Market street shall constitute the first ward, that part which lies west of Market street and south of a line midway between second and third streets the second ward, that part which lies north of said line and west of Market street, the third ward; each of said wards shall elect two of the said commissioners, who shall be residents of such ward.

Wards.

Representation.

Repeal.

SEC. 3. That the first section of an act to amend the charter of the town of Washington, ratified the twelfth of April, one thousand eight hundred and sixty-nine, be and the same is hereby repealed ; and the boundaries of said town shall be as the same existed prior to the passage of said act, except as is hereafter provided, to wit : The eastern boundary thereof shall be a line running from a point on the river, one hundred yards eastwardly from the eastern boundary as it existed prior to April, one thousand eight hundred and sixty-nine, parallel with said boundary, to a point where the same shall intersect with the eastern extension of the northern boundary ; and the area thus included within the corporate limits constitute a part of the first ward, and hereafter, when the town of Washington is mentioned in any law in force or hereafter to be enacted, it shall be constructed with reference to the boundaries hereby established.

Boundaries of town.**Registration of voters.**

SEC. 4. That for the year one thousand eight hundred and seventy-one, there shall be a registration of voters in said town, under the supervision of Edmund S. Hoyt for the first ward, John G. Blount for the second ward, and Alexander C. Latham for the third, who shall receive such compensation for their services as the board of commissioners shall allow. Such registration and the registration for each year thereafter shall take place during the ten days immediately preceding and including the day of election ; and all male citizens twenty-one years old and upwards, who shall have resided for ninety days preceding such registration in any ward of said town, and no other, shall be entitled to vote and register in such ward. The board of commissioners shall provide books of registration, and after the year one thousand eight hundred and seventy-one, appoint each year, for each ward, a registrar, who shall be a resident of said ward. The registrars shall furnish the original registration books to the sheriff and inspectors, who shall hold the election as provided by the said act of the eighteenth of January, one thousand eight hundred and forty-seven, and immediately after the election, said books shall be deposited with the clerk appointed by the board of commissioners.

Sheriff to hold election.

SEC. 5. That the votes for the several wards shall be deposited in separate boxes. Ballot boxes.

SEC. 6. If any person shall knowingly and fraudulently register or vote contrary to the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall on conviction, be imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars; and any registrar of voters who shall make or cause or suffer to be made any entry with intent to commit a fraud, shall be liable to the same penalty. Fraudulent registration or voting.

SEC. 7. That the present board of commissioners shall continue to hold their offices until a new election shall take place, as is herein provided for, but they shall not be permitted to collect taxes after the ratification of this act. Term of office and powers of present commissioners.

SEC. 8. That the second section of "an act to amend the charter of the town of Washington," ratified the eighteenth day of December, one thousand eight hundred and sixty eight, and the fourth and fifth sections of "an act to amend the charter of the town of Washington," ratified the twelfth day of April, one thousand eight hundred and sixty-nine, be and the same are hereby repealed. Repealing section

SEC. 9. This act shall be in force from its ratification. Ratified the 10th day of December, A. D. 1870.

When act to be in force.

CHAPTER II.

AN ACT TO INCORPORATE THE PEOPLE'S BUILDING AND LOAN ASSOCIATION OF SALEM.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. A. Vogler, Jno. W. Hunter, Jno. D. Seavers, E. Belo, I. G. Lash, W. H. Wheeler, P. A. Wilson, J. W. Alsbaugh, W. A. Lemly, and all other persons who may hereafter be associated with them, and their assigns, are hereby constituted a body politic and corporate, in the name Corporators.
Corporate name.

Rights and privileges.

and style of the People's Building and Loan Association of Salem, for the purpose of accumulating, and with power to accumulate, a fund, to enable its respective members to purchase houses and lots, erect buildings, improve lands, and remove incumbrances from real estate, and for the purpose of distributing among the members, who do not receive aid by advances on their shares for objects aforesaid, their proper dividends of the fund so accumulated in moneys; and as such, shall have power to hold and convey real estate, sue and be sued, plead and be impleaded, make, have and use a common seal, and generally have such power as may be necessary to carry out the objects of the association.

Shares.

SEC. 2. The number of shares of stock in said corporation shall be one thousand, and the ultimate par value of each share shall be one thousand dollars, and the said corporation may commence business when two dollars and fifty cents shall have been paid in, on each share of stock subscribed.

Officers.

SEC. 3. The officers of said association shall consist of a president, vice-president, secretary, treasurer, and five directors, of whom the president shall be one, and an executive committee of three, selected from said board, who shall be chosen at such time, and in such manner, hold their respective offices, for such terms, and be governed by such regulations as the by-laws of said association may prescribe.

By Laws.

SEC. 4. It shall be lawful for the association to make and put into execution, such by-laws, not inconsistent with the constitution and laws of this State, or of the United States, as may be necessary and convenient, for the regulation and management of their affairs.

Powers of directors.

SEC. 5. The board of directors shall have power to call in and demand from the stockholders respectively, the sum of money subscribed by them, at such time and in such payments as the by-laws shall prescribe, and for failing to pay such sums, the by-laws may provide for penalty by fines, not to exceed the value of the stock.

SEC. 6. When any subscription to the stock of said incorporation shall be made after it shall have commenced business, such subscriber may be required to pay a sufficient sum to make his payment upon his stock equal to the payment of the original members, with the accrued premiums.

Payments of subscription.

SEC. 7. Parents may hold shares in said corporation for the use of their minor children, and *femes covert* may hold for their separate use shares in said corporation, exempt from the debts or contracts of their husbands.

Minors and *femes covert* may hold shares.

SEC. 8. Said corporation, unless sooner dissolved by a vote of the majority of the stockholders in number and value, shall continue in being until the fund accumulated, including shares redeemed, and all other property and other effects, shall amount to such a sum as will enable the association to distribute on each share a sum equal to the par or ultimate value of the unredeemed shares, before such time no distribution of principal or profit shall be made; *Provided*, That upon such distribution of the said association so elect, it shall have power to re-commence business by new subscription of stock, with the privilege and upon the conditions prescribed in this act.

Term of incorporation.

SEC. 9. It shall be lawful for said corporation to loan money to its members to an amount not exceeding the par ultimate value of the respective shares subscribed for by such members. In case different stockholders shall compete for a loan of money, it shall be lawful for said corporation to receive bids from such stockholders, and they shall award the loan upon the bid deemed most advantageous to the interests of the corporation. Such bid to be secured by mortgage with the power of sale upon real estate, to be executed to said company.

Further powers of corporation.

SEC. 10. This act shall be in force from and after its ratification.

When act to be in force.

Ratified the 20th day of December, A. D 1870.

CHAPTER III.

AN ACT CONCERNING THE CITY OF WILMINGTON.

Corporate limits
and boundaries.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits and boundaries of the city of Wilmington shall be as follows, viz: beginning on the eastern side of the northeast branch of the Cape Fear river at a point north of and eleven hundred and eighty-eight (1188) feet distant from the present north western corner of Ashe street on said river; thence running eastwardly in a line parallel with said Ashe street to the left bank of Smith's creek; thence up said creek and with the various meanders of its said left bank to a point where it is intersected by a line parallel with and fifteen hundred and eighty-four (1584) feet east of Thirteenth street extended northwardly; thence southwardly in said line parallel with thirteenth street to a point where it is intersected by a line parallel with and thirteen hundred and eighty-six (1386) feet south of Marsteller street were the same extended eastwardly; thence westwardly in a line parallel with said Marsteller street to the left bank of the Cape Fear river; thence northwardly to a point on the western bank of said river opposite to the centre of Orange street, said point being the southeast corner of so much of the county of New Hanover, and also of so much of the said city of Wilmington as is situate on Eagle's Island; thence with the present outside boundary lines of so much of said city as is situate on said Eagle's Island to the point on the river which is the northeastern corner of said city on said Eagle's Island; thence with the present boundary of said city about north twenty-seven degrees west one hundred and six poles to the north of a ditch, the common corner on the northwestern branch of the Cape Fear river of the lands on Point Peter, now, or lately belonging to the heirs at law or devisees of the late Bennett Flanner, and of the lands belonging to William F. Potter, thence eastwardly with the dividing line between said lands

about forty-seven poles to the northeast branch of the Cape Fear river, and thence crossing said river in a north-eastwardly direction to the beginning. The aldermen of said city are hereby required to cause to be prepared a plan of said city in conformity with the foregoing boundaries, on which shall be designated the lines of such streets and public alleys as now exist or are designated on the present plan of said city, and of such as may be established by them within the limits of said city as hereinbefore defined, and of the plan so to be prepared the said aldermen shall cause two copies to be prepared, and the same to be authenticated and verified by a certificate to be signed by the mayor of said city, with the corporate seal of said city affixed thereto; one of which copies shall be enrolled in the office of the secretary of state, and the other in the office of the clerk of the superior court of the county of New Hanover, and said plan so prepared, or either of said copies of the same, or a copy of said original plan duly certified by the mayor of said city under the corporate seal of said city, or a duly certified copy of either of said plans enrolled as aforesaid, shall be received as evidence of the corporate limits of said city and of the limits and lines of all streets, alleys, lots and squares or blocks in said city, which may be designated thereon. All laws in reference to the government of the city of Wilmington, or granting powers of any kind to the mayor and aldermen of said city, and not by this act repealed, shall extend and be applicable to said city according to its boundaries and limits as hereinbefore established; *Provided however*, That no streets, alleys or ways of any kind whatsoever shall at any time be opened in that portion of said city which belongs to the proprietors of the Wilmington cemetery," or which belongs to the Pine Forrest cemetery, without the unanimous consent of the lot holders or corporators of said cemetery companies through the lands of which it may be desired to open any street, alley or way.

SEC. 2. The said city of Wilmington shall be divided into five divisions or wards, denominated first, second, third, fourth and fifth wards respectively, which shall be severally

Plan of city.

Plan to be enrolled.

Boundaries of wards.

Boundaries of wards.

bounded as follows viz: The first ward shall include all that part of said city which lies north and east of the following lines, viz: Beginning at the centre of Campbell street at its western end at the river, thence running eastwardly with the middle of said street to the middle of Fourth street, thence running southwardly with the middle of Fourth street to the middle of Walnut street, thence running eastwardly with the middle of Walnut street to the middle of McRae street, thence running southwardly with the middle of McRae street to the middle of the street running eastwardly from the eastern end of Mulberry street to Ninth street, and thence running eastwardly with the centre of the street last referred to as running from Mulberry street to Ninth street, and with the middle of Dudley street to the eastern limit of the city. The second ward shall include all that part of the city within the following lines, viz: Beginning in the centre of Campbell street at its western end on the river, thence running eastwardly with the middle of Campbell street to the middle of Fourth street, thence southwardly with the middle of Fourth street to the middle of Dock street, thence westwardly with the middle of Dock street to the river, ~~(and thence northwardly with the middle of Dock street to the river)~~ and thence northwardly with the river to the beginning, and as much of said city as lies on Eagles' Island shall also be part of said second ward. The Third ward shall include all that part of said city within the following lines, viz: Beginning at a point in the intersection of Fourth street and Walnut street, which is the common centre of said two streets, thence running eastwardly with the centre of Walnut street to the middle of McRae street, thence southwardly with the centre of McRae street to the middle of the street running eastwardly from the western end of Mulberry street to Ninth street, thence running eastwardly with the middle of the street referred to as running from Mulberry to Ninth street, and also with the middle of Dudley street to the eastern boundary of said city as hereinbefore defined, thence southwardly with said eastern boundary of said city to a point in the middle of

Dock street extended to said eastern boundary, thence westwardly in a line with the middle of said Dock street to the middle of Fourth street, and thence northwardly with the middle of said Fourth street to the beginning in the centre of Walnut street. The Fourth ward shall include all that part of said city lying south of the middle of Dock street extended to the eastern boundary of said city, and north of the middle of Church street extended to said eastern boundary. And the fifth ward shall include all that portion of said city which lies south of the centre of said Church street extended as aforesaid.

SEC. 3. The corporate powers and authority granted to Aldermen. said city shall be vested in ten Aldermen, to be elected annually, on the first Monday in May, for the several wards of said city as hereinafter prescribed, and the said Aldermen, at their first meeting after qualification, shall elect one of their own number to act as Mayor of said city during their term of office. No person shall be eligible as Alderman Mayor. unless he shall be a native or naturalized citizen of the United States, shall have attained the age of twenty-five years, shall have resided within the corporate limits of said city one year next preceding the day of election, and shall be on the day of election and have been six months prior to that day a resident of the ward for which he shall be elected such Alderman; *Provided*, That the election for such Alderman Municipal elections. for the year one thousand eight hundred and seventy-one shall be held on the second Monday in January, one thousand eight hundred and seventy-one, and the officers elected at that time shall continue in office until their successors be elected at the next annual election in May, one thousand eight hundred and seventy-two.

SEC. 4. That no person shall be entitled to vote for alderman unless he shall be qualified and entitled to vote for members of the general assembly, shall have resided for ninety days next preceding the day of election (within the corporate limits of said city, and for thirty days next preceding the day of such election) in the ward in which he shall vote, and his name and place of residence shall have been Qualification of voters.

Registration of
voters.

Registrars to take
oath.

duly registered as herein provided. That it shall be the duty of the mayor and aldermen of said city to appoint, at least fifteen days before the election to be held on the second Monday in January, one thousand eight hundred and seventy-one, and annually thereafter, at least fifteen days before each succeeding annual election, three (3) suitable persons to act as registers and inspectors of election for each ward of said city, and said persons so to be appointed shall be residents of the wards for which they shall be respectively appointed. The mayor and alderman shall notify them of their appointment, and furnish them with suitable registration books in which the names and residences of the voters of the respective wards shall be registered, and shall designate some convenient place in each ward at which said registers appointed for such wards shall attend for receiving the registration of voters for such ward and for holding the election in such wards respectively. The persons so appointed shall, before some justice of the peace or other person authorized to administer an oath, take and subscribe the following oath: "I, A. B., do solemnly swear (or affirm,) that I will duly and faithfully perform the duties of register for the — ward of the city of Wilmington; that I will not admit to registration any person who is not duly qualified and entitled to vote for aldermen in said ward: That as inspector of the election to be held for aldermen for the city of Wilmington, I will permit only such persons to vote who are legally entitled and have been duly registered, and that I will otherwise conduct said election, fairly and impartially, and make due returns of the vote in said ward according to law." The persons so appointed shall attend at the places so designated as aforesaid, eight days (Sundays excepted) immediately preceding the day of election, and shall register the names of the voters in their respective wards in alphabetical order as near as may be, and also the number of the lot and block or square on which such voters severally reside, and if either of the registers should not be satisfied that any applicant for registration is a resident of the ward in which he applies for registration, or is not otherwise entitled to register therein,

or if any other person present shall challenge the right of such applicant to register therein, the said register shall examine on oath the applicant, and any of the witnesses that may be tendered as to the qualification of said applicant for registration. And for the purposes of this act the said registers and inspectors of elections are hereby authorized to administer oaths; and any person swearing falsely before them shall be deemed guilty of perjury, and shall be liable to all the pains, penalties and punishments which attach to that offence. And any person who shall register in any ward in said city who is not entitled to register in such ward, or any person who shall vote in any ward in said city, who is not entitled to vote in such ward, or any person entitled to vote in any ward of said city who shall fraudulently or otherwise deposit more ballots than one in the ballot box of such ward, or who shall attempt to do so, shall be deemed guilty of a misdemeanor, and shall, on conviction, be sentenced to thirty days imprisonment, and to pay a fine of one hundred dollars. It shall be the duty of said registers and inspectors of election to give public notice in one or more of the newspapers published daily in said city, of their appointment, and of the time and place at which books will be opened for the registration of voters, and of the day on which said election will be held. And on said day of election the inspectors of election shall give due attendance at the time and place appointed for the holding of the same by them respectively. They shall be judges of the polls, receive the votes, conduct the election in like manner, and during the same hours of the day as elections of members of the general assembly; and shall make return of the votes polled for each candidate, in their respective wards, to the mayor and aldermen of the city, who shall forthwith notify the persons elected of their election. The aldermen elected hereunder shall enter on the duties of their office on the Monday next succeeding the day of their election, and shall hold their said offices for one year and until their successors shall be duly qualified. Votes shall be given by ballot in suitable boxes to be provided by the board of aldermen, for the use of the

Registrars may challenge or administer oaths.

Fraudulent voting.

Registrars to give public notice.

Judges of election.

Aldermen elected:

Manner of voting.

inspectors in holding said elections in their respective wards, and any ballot on which more than two names are written or printed shall not be counted. At the close of the election the inspectors shall count the votes in the boxes so provided, and the two persons having the largest number of votes in the respective boxes of the several wards shall be declared duly elected aldermen of their respective wards. And the inspectors shall certify and subscribe the poll lists of their respective wards, and return the same to the clerk of the board of aldermen for preservation among the archives of the city.

Declaration of result.

Vacancies.

Penalty for refusal to qualify or act as alderman.

Penalty for violation of this act.

SEC. 5. If any person elected alderman shall refuse to qualify, or if any vacancy shall occur in the board of aldermen after the election and qualification, the remaining members of the board of aldermen shall choose a person eligible under the provisions of this act, to fill the vacancy to serve until a successor be elected. Any person elected as alderman who shall refuse to be qualified, or who shall refuse to act as such, shall forfeit and pay to the equal use of the city and of him who shall sue therefor, the sum of one thousand dollars. If the aldermen shall fail to appoint registers and inspectors of elections as hereinbefore provided, or shall fail to designate suitable places of registration, and for holding elections as aforesaid, or fail to give notice of such appointments, or fail to furnish suitable books for registration, or to provide suitable election boxes, in which the ballot may be deposited according to the provisions of this act, or if any register and inspector of elections shall refuse to qualify and act, or shall fail to perform any of his duties as herein prescribed, or be guilty of any fraudulent or illegal act in the discharge of any one of such duties, any alderman, or register and inspector so in default, shall forfeit and pay for the equal use of the city and of him who shall sue for the same, the sum of two hundred dollars; and if found guilty of having committed any fraudulent or illegal act in discharge of any one of the duties incident to his office of register as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be imprisoned not less than thirty days, or fined not less than three hundred dollars.

SEC. 6. That an ordinance entitled "an ordinance amending the charter of the city of Wilmington," ratified the fourteenth day of March, one thousand eight hundred and sixty-eight; an act entitled "an act amending the charter of the city of Wilmington," ratified the seventeenth day of July, one thousand eight hundred and sixty-eight; sections first, second, third, fourth, fifth, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth of an act entitled "an act to amend the charter of the city of Wilmington," ratified the eighteenth day of December, one thousand eight hundred and sixty-eight; an act entitled "an act to extend the limits of the city of Wilmington and for other purposes," ratified the fourteenth day of March, one thousand eight hundred and seventy, and an act ratified on the twenty-sixth day of March one thousand eight hundred and seventy, entitled "an act to amend an act entitled an act to extend the limits of the city of Wilmington and for other purposes, ratified fourteenth day of March, one thousand eight hundred and seventy," be and the same are hereby repealed; and that all other laws and clauses of laws inconsistent or in conflict with, or repugnant to any of the provisions of this act, are hereby repealed. Repealing clause.

SEC. 7. No election shall be held in the city of Wilmington for mayor or aldermen, before the second Monday in January, anno domini, one thousand eight hundred and seventy-one, but the term of office of the present mayor and board of aldermen, and their powers and authority shall continue until the election and qualification of officers to be elected on that day, under the provisions of this act. Time of holding election.

SEC. 8. And this act shall be in force from and after its ratification, and the mayor of the said city shall cause this act to be published in the several newspapers published in said city, within ten days after its ratification. When act to be in force.
Act to be published.

Ratified the 20th day of December, A. D., 1870.

CHAPTER IV.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GOLDSBORO'.

- Repealing clause. **SECTION 1.** *The General Assembly of North Carolina do enact,* That an act entitled "an act to extend the corporate limits of the town of Goldsboro'," passed at the session of the general assembly at its session of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, and ratified on the twentieth day of December, anno domini one thousand eight hundred and sixty-nine, be and the same is hereby repealed.
- Limits of town. **SEC. 2.** The limits of the said town of Goldsboro' shall be as defined by law previous to the passage of said act hereby repealed, and the said town shall be divided into three wards: The first ward to embrace all that portion of said town lying north of Ashe street, and shall be entitled to elect two commissioners; all that portion between Ashe street and Chesnut street shall be denominated the second ward, and entitled to elect two commissioners; and all that portion of said town south of Chesnut street shall be denominated the third ward, and entitled to elect two commissioners; and that the said commissioners so elected, shall constitute the board of commissioners for the town of Goldsboro'; and with the mayor to be elected by all the qualified voters of said town, shall exercise exclusively all the powers, rights and privileges of the board of commissioners of the town of Goldsboro'.
- Wards and limits and representation. **SEC. 3.** That an actual residence of ninety days within the corporate limits of said town, shall constitute any citizen of the United States a qualified voter therein in any municipal election; and such qualified voter shall be eligible to any municipal office within said corporation, *Provided,* That said person is in other respects a qualified voter in the state.
- Mayor. **SEC. 4.** That Daniel Cogdell is hereby appointed registrar for the town of Goldsboro', who shall, on or before the
- Qualification of voters.
- Eligibility to office.
- Registrar of voters.

twenty-second day of December, one thousand eight hundred and seventy, give at least five days notice, and then proceed to register all qualified voters in the town of Goldsboro', designating the respective wards in which each may reside, and furnish one copy for each ward of such registration of the citizens of Goldsboro', and at the election next ensuing in said town for mayor and commissioners, only such persons as are registered on the said books of registration by the said Daniel Cogdell, shall be allowed to vote in said election.

SEC. 5. All acts or charters or parts of the same inconsistent with the provisions of this act are hereby repealed. Repealing clause.

SEC. 6. This act shall take effect from and after its ratification. When act to go into effect.

Ratified the 21st day of December, A. D. 1870.

CHAPTER V.

AN ACT TO REPEAL CERTAIN ACTS IN RELATION TO THE TOWN
OF FAYETTEVILLE, AND TO PRESCRIBE THE QUALIFICATION
OF VOTERS IN THE MUNICIPAL ELECTIONS IN SAID TOWN.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of an act ratified December sixteenth, one thousand eight hundred and sixty-eight, entitled "an act to provide for the holding municipal elections in North Carolina," as relates to the town of Fayetteville, and also, so much of an act passed December twenty-first, one thousand eight hundred and sixty-eight, entitled "an act in relation to municipal elections" as relates or may be applied to the town of Fayetteville, be and the same are hereby repealed; and that said act shall have no force or validity so far as the town of Fayetteville is concerned. Repealing clause.

SEC. 2. That on the first Monday in January in each and every year, the sheriff of Cumberland county shall hold an Annual election.

Mayor and
commissioners.

election at the market house in Fayetteville for a mayor and seven commissioners for said town, and that no person shall be eligible to the office of mayor or commissioners except such as are duly qualified electors in said town as hereinafter provided, and are at the same time of their election actual residents of said town; *Provided*, That the commissioners shall be elected on general ticket, and shall not be required to be elected for or reside in any particular ward.

Eligibility to
office.

Registrar of
voters.

SEC. 3. That the sheriff of Cumberland county shall annually appoint a registrar of voters for said town, and that said registrar, after having first taken an oath to faithfully discharge his duties as registrar, shall enroll all of the qualified voters of said town, commencing such registration ten days before said election, and continuing until and during the day of said election, and that no person shall be allowed to vote at any such election who has not been registered as aforesaid.

Challenging
voters.

SEC. 4. That the right of any person to register shall be subject to challenge, and that the registrar shall determine whether the person challenged is a duly qualified voter at any time prior to the day of election; and that all challenges made on the day of election shall be determined by the judges of the election.

Qualification of
voters.

SEC. 5. That all male persons twenty-one years old and upwards, who have resided in the county of Cumberland for twelve months, and in the town of Fayetteville for ninety days immediately preceding such election, shall be permitted to register and vote in such election; *Provided*, such person shall have paid all taxes for which he is in any way liable to the town of Fayetteville for the preceding year.

SEC. 6. That all male persons twenty-one years old and upwards, who have resided in the county of Cumberland for twelve months immediately preceding any such election, and who own taxable real estate in said town, who have paid all the taxes for which such persons are in any way liable to the town of Fayetteville for the preceding year shall also be allowed to register and vote at said election.

SEC. 7. That all male persons twenty-one years old and upwards, who have resided in the county of Cumberland for twelve months immediately preceding any such election, and who are engaged in any trade, occupation or business which is taxed by the town of Fayetteville, shall also be allowed to register and vote at such election; *Provided*, such person shall have paid all taxes for which he is in any way liable to said town for one year immediately preceding such election.

SEC. 8. That the compensation of the registrar and the expenses of holding such election, shall be paid by the town of Fayetteville. Compensation to Registrar.

SEC. 9. That all laws and clauses of laws inconsistent with the provisions of this act, be and the same are hereby repealed. Repealing clause.

SEC. 10. That an act entitled "an act to extend the corporate limits of the town of Fayetteville," ratified twelfth day of April, anno domini one thousand eight hundred and sixty-nine, be and the same is hereby repealed. Further repeals.

SEC. 11. That this act shall take effect from and after its ratification. When act to take effect.

Ratified the 21st day of December, A. D. 1870.

CHAPTER VI.

AN ACT CONCERNING INSPECTORS IN THE CITY OF WILMINGTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That any person, upon application to the clerk of the superior court of New Hanover county, and upon proof before such clerk that such applicant is of good moral character, and competent to discharge the duties of an inspector, shall, upon the payment of twenty-five, dollars, be entitled to receive from such clerk a license to inspect, weigh, License, bond, duties and liabilities of inspectors.

License, bond,
duties and liabilities
of inspectors.

measure, or guage, in the city of Wilmington for one year from the date of said license, any and all such articles as are or may be required by law to be inspected, weighed, measured or guaged, in said city; such applicant before receiving such license, being required by the clerk aforesaid to give bond with two sufficient sureties in the penalty of two thousand dollars, payable to the state of North Carolina, conditional, for the faithful performance of the duties of inspector as aforesaid, and for the payment of all such damages as may be sustained by any person whatever, by reason of any fraudulent, illegal, negligent or improper act or return on the part of such licensee or any agent or employee of such licensee. The bond taken as aforesaid shall be kept by the clerk of the court aforesaid, as a part of the records of his office, and any person injured by the neglect or misconduct of such licensee, or of any agent or employee of such licensee, may institute a suit or suits against the obligors in the bond of such licensee in the name of the state, without any assignment of such bond, and no such bond shall become void upon the first recovery thereon, or if judgment be given for the defendants, but may be put in suit and prosecuted from time to time until the whole penalty shall be recovered; *Provided however*, That no inspector shall be in any way connected as clerk or otherwise, with any commission house, purchaser or distiller interested in the purchase or sale of any articles requiring inspection, under a penalty of twenty-five dollars for each and every act of inspection during such connection.

License fee.

SEC. 2. The amount so received from any such license by the clerk aforesaid, shall by him be paid over to the treasurer of the city of Wilmington, for the use of said city, within thirty days after the receipt of the same, and the said clerk shall be entitled to receive from said licensee a fee of two dollars, in full payment of his services in preparing the bond required, issuing the license, and all other services in connection with the duties required of him under the provisions of this act.

SEC. 3. No article of merchandize of any nature, kind or description, shall be inspected, weighed, measured or guaged in the city of Wilmington, except upon the demand or request of the vendor or vendee, or of the agent of the vendor or of the vendee of the same.

What merchandize to be inspected.

SEC. 4. No person licensed as aforesaid, shall be permitted to appoint a deputy, and any person who shall exercise the duties of inspector, weigher, measurer or guager of any articles of merchandize in said city, in cases where inspection is demanded by vendor or vendee, for any compensation whatever, without having a license as hereinbefore provided shall be subject to a penalty of twenty-five dollars for each and every such act, to be recovered before any justice of the peace, for the equal use of the city of Wilmington, and of any person who shall sue for the same.

Penalty for exercising office of inspector without license.

SEC. 5. That in the absence of any special contract fixing them, the fees of said licensed inspectors shall be the same as were allowed, and were chargeable by law on the first day of January, anno domini one thousand eight hundred and sixty-one.

Fees of inspectors

SEC. 6. That an act entitled "an act concerning inspectors for the city of Wilmington," ratified the twenty-seventh day of July, one thousand eight hundred and sixty-eight, and an act entitled "an act to amend an act entitled an act concerning inspectors for the city of Wilmington," ratified the twelfth day of April, one thousand eight hundred and sixty-nine, and an act entitled "an act relating to the weighing of rosin at the port of Wilmington," ratified the twenty-ninth day of March, anno domini one thousand eight hundred and sixty-nine, be and the same are hereby repealed; and that all laws and clauses of laws in conflict with or repugnant to any of the provisions of this act, be and the same are hereby repealed.

Repealing clause.

SEC. 7. That this act shall take effect and be in force from and after its ratification.

When act to take effect.

Ratified the 21st day of December, A. D. 1870.

CHAPTER VII.

AN ACT TO DEFINE THE POWERS AND DUTIES OF THE COUNTY COMMISSIONERS OF IREDELL COUNTY CONCERNING A CERTAIN BRIDGE IN THE COUNTY.

Bridge across dam on Rocky creek to be kept in repair.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners for the county of Iredell be and they are hereby authorized and empowered in their discretion to receive and keep in repair at the expense of said county the bridge across the dam attached to the cotton factory and mills of Wilfred Turner on Rocky creek, in the county of Iredell, or to aid and assist the said Wilfred Turner in keeping the said bridge in repair, by allowing him any reasonable compensation therefor out of any public moneys of said county proper to be used for such purpose as they, in their discretion may deem just and fair to the said Wilfred Turner and to the county aforesaid.

When act to be in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 23d day of December, A. D. 1870.

CHAPTER VIII.

AN ACT TO INCORPORATE THE HEBREW BENEVOLENT SOCIETY OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

Incorporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That B. Koopman, S. Frankford, S. A. Cohen, E. Nathan, J. Roesler, J. Rintler, Samuel Cohen, S. Frankenthall, D. Elias, S. Bowman, H. Frankenthall, D. Blum and such other persons as they may associate with them, they and their successors, be and they are hereby constituted a body politic, under the name of the Hebrew Benevolent Society of the city of Charlotte, North Carolina.

Corporate name.

SEC. 2. The said corporation shall have power to purchase and hold real and personal property, to sue and be sued by their corporate name, to use a common seal, to make such rules and by-laws as may be necessary for their good government. Powers and privileges.

SEC. 3. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 24th day of December, A. D. 1870.

CHAPTER IX.

AN ACT TO INCORPORATE THE INDEPENDENT HOOK AND LADDER COMPANY NUMBER TWO, OF THE CITY OF CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina do enact,* That James H. Orr, E. B. Cohen, J. W. Sprinkle, P. S. McLaughlin, J. A. Elliott, Monroe Stowe, and such other persons as they may associate with them, they and their successors, be and they are hereby constituted a body corporate, under the name and style of the Independent Hook and Ladder Company number two, of the city of Charlotte. Corporators. Corporate name.

SEC. 2. The said body corporate shall have power to sue and be sued, plead and be impleaded by their corporate name, to use a common seal, to purchase and hold real and personal property and to adopt such by-laws and regulations as may be necessary for its good government. Rights and privileges.

SEC. 3. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 21st day of January, A. D. 1871.

CHAPTER X.

AN ACT TO INCORPORATE THE TOWN OF JACKSON, IN THE COUNTY OF CRAVEN, BY THE NAME AND STYLE OF THE TOWN OF "STONEWALL."

Town of Jackson
to be called
"Stonewall."

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Jackson, in the county of Craven, be and the same is hereby changed, and incorporated by name and style of the town of "Stonewall," and shall be subject to all of the provisions contained in the one hundred and eleventh chapter of the revised code.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows, to wit: Beginning at a point twenty poles below Nichol's ship yard on Bay river, thence south one hundred poles, thence west one hundred and sixty poles, thence north one hundred poles to said river, thence down said river one hundred and sixty poles to the first station.

Annual election.

SEC. 3. That there shall be an election held according to law for officers of said town as specially provided for in the one hundred and eleventh chapter of the revised code, on the first Monday of May, one thousand eight hundred and seventy-one, and annually thereafter on that day of the month.

Power of corporate authorities.

SEC. 4. That the corporate authorities of the town of Stonewall shall have power to improve the sidewalks of said town, and to assess upon the owners of the lots improved thereby, one-half of the cost of the same to be collected as other taxes of said corporation.

When act to be in force.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 2d day of February, A. D. 1871.

CHAPTER XI.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO EXTEND THE
CORPORATE LIMITS OF THE TOWN OF LUMBERTON."

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to extend the corporate limits of the town of Lumberton, in the county of Robeson, ratified the first day of March, anno domini one thousand eight hundred and seventy, be and the same is hereby repealed. Repeal of act of March 1st, 1870.

SEC. 2. The corporate limits of the town of Lumberton, in the county of Robeson, shall be the same as defined by law prior to the passage of an act to extend the corporate limits of the town of Lumberton, in the county of Robeson, ratified the twenty-second day of March, anno domini one thousand eight hundred and sixty-nine; and also, an act to amend an act entitled an act to extend the corporate limits of the town of Lumberton, in the county of Robeson, ratified the first day of March, anno domini one thousand eight hundred and seventy. Corporate limits.

SEC. 3. All laws coming in conflict with this act are hereby repealed. Repealing clause.

SEC. 4. This act shall be in force on and from its ratification. When act to be in force.

Ratified the 2d day of February, A. D. 1871.

CHAPTER XII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO CREATE THE
BANK OF STATESVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of the act of one thousand Amendment.

eight hundred and sixty-nine and one thousand eight hundred and seventy, chapter sixty-four, be amended by inserting after the word "debt" in the second line, the words "and lend money upon such terms and rates of interest as may be agreed upon."

When act to be in force.

SEC. 2. This act shall be in force from its ratification.

Ratified the 4th day of February, A. D. 1871.

CHAPTER XIII.

AN ACT TO INCORPORATE THE TRUSTEES OF THE YATES ACADEMY, IN CHATHAM COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. P. Harrington, Jackson Williams, Anderson Johnson, Lucius Yates, M. C. Herndon and Ashwell Howard, their associates and successors, are hereby created a

Corporate name.

body politic and corporate, under the style of "The Trustees of Yates Academy," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold in their corporate capacity property, real and personal, such as may be necessary and suitable for maintaining a school of high grade at the place where said academy is now situated in the Williams township in said county, with power to make all needful rules, by-laws and regulations for their own government and that of said academy; and under said name and style shall have continued succession for the period of ninety-nine years.

Rights and privileges.

Vacancies.

SEC. 2. That in case of vacancy occurring in said board of trustees, such vacancy shall be filled by appointment by the remaining members thereof.

Sale of spirituous liquors within one mile of academy.

SEC. 3. That it shall not be lawful for any person to give or sell by retail any wines, cordials, spirituous or malt liquors within one mile of said Yates Academy, and any person so giving or retailing within said limits is hereby de-

clared to be guilty of a misdemeanor, and may be prosecuted for the same, and upon conviction by any court of competent jurisdiction, shall be punished by fine not to exceed one hundred dollars, or imprisoned not to exceed one month, or both, at the discretion of the court, and each distinct and separate act of such retailing or giving shall constitute a separate misdemeanor, and be liable to be prosecuted and punished as aforesaid.

SEC. 4. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 10th day of February, A. D. 1870.

CHAPTER XIV.

AN ACT TO INCORPORATE THE AFRICAN METHODIST EPISCOPAL SINGING SCHOOL SOCIETY OF NEWBERN.

SECTION 1. *The General Assembly of North Carolina* Corporators.
do enact, That Edward H. Hill, Amos York, William Ben-
ners, Virgil A. Crawford, James D. Dudley, Joseph Mun-
ford, William H. Burden, Sylvester Bryan, William Hall,
Cicero Robins and Edward R. Dudley, their associates, suc-
cessors and assigns, shall be and they are hereby constituted
a body politic and corporate, by the name and style of the
African Methodist Episcopal Singing School Society, of Corporate name.
Newbern, North Carolina.

SEC. 2. And by that name they, their associates and suc-
cessors shall have continual succession and may have a com-
mon seal, and shall be capable of suing and being sued,
pleading and being impleaded of any actions, causes and com-
plaints whatsoever, and by the corporate name aforesaid shall
be capable of purchasing and holding, enjoy, sell and convey
real and personal estate, and to make such by-laws, rules
and regulations for their government, not inconsistent with
the laws of North Carolina. Rights and privi-
leges.

Board of trustees. SEC. 3. The society aforesaid shall elect a board of trustees not less than three or more than seven in number, who shall be elected every two years; *Provided*, The first election held under this charter for trustees shall take place on the first day of June, in the year of our Lord, one thousand eight hundred and seventy-one.

Transfer of property. SEC. 4. That any person or persons who are now trustees or claiming to be such, failing to turn over to their successors all the papers and property belonging to the aforesaid society, shall be guilty of a misdemeanor.

When act to be in force. SEC. 5. This act shall be in force from and after its ratification.

Ratified the 13th day of February, A. D. 1871.

CHAPTER XV.

AN ACT CONCERNING RUTHERFORD SEMINARY, IN BURKE COUNTY.

Change of corporate name. SECTION 1. *The General Assembly of North Carolina do enact*, That the act passed by the general assembly of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, incorporating Rutherford Academy in Burke county, amended at the adjourned session of one thousand eight hundred and sixty-three, changing the name of said academy to "Rutherford Seminary," be so amended that in future said institution shall be known as Rutherford College."

Selection of trustees. SEC. 2. That the original charter of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, be so changed or amended that trustees for said institution may be selected from any county or state in the Union.

When act to be in force. SEC. 3. This act shall be in force from and after its ratification.

Ratified the 13th day of February, A. D. 1871.

CHAPTER XVI.

AN ACT TO INCORPORATE THE TRUSTEES OF MOUNT VERNON
ACADEMY ON BAY RIVER, IN THE COUNTY OF CRAVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That James O. Baxten, Willibee Ferrebee, James S. Lane, Joseph M. Caho, John I. Brabble, be and they are hereby declared to be a body politic and corporate by the name and style of the trustees of the Mount Vernon Academy, and by that name shall have succession and a common seal, and shall have power to sue and be sued, to plead and to be impleaded in any court in this state, and to acquire, purchase, have and to hold all such lands and tenements, chattels and moneys as may be necessary for the said institution, according to the will of the donor or donors thereof.

Corporators.

Corporate name.

Rights and privileges.

SEC. 2. That the said trustees, or a majority of them, shall have power to fill all vacancies which may occur in the number by death or other cause, and to pass such laws and regulations as shall be necessary for the government and good morals of the said institution.

Vacancies.

By Laws.

SEC. 3. That no person shall sell any spirituous liquors within one mile of said academy except for medical purposes.

Sale of spirituous liquors prohibited within one mile.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 15th day of February, A. D. 1870.

CHAPTER XVII.

AN ACT TO INCORPORATE THE WARM SPRINGS COLONY, IN MADISON COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That Dwight S. Elliott, E. Porter Little, Joseph B.

Corporators.

Corporate name.	Lyman, Leonard C. Thorne, Edward J. Aston, Francis W. Nuber, William A. Morgan and their associates, successors and assigns, be and they are hereby created, constituted and declared to be a body politic and corporate, by and under the name of the Warm Springs Colony, and by that name they and their successors shall have perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being impleaded in all courts whatsoever, and may hold, possess, acquire, sell, purchase, grant, lease, convey and mortgage real and personal estate; and the capital stock thereof shall be one hundred and sixty-five thousand dollars (\$165,000,) but may be increased to five hundred thousand dollars (\$500,000,) to be divided into shares of one hundred and ten dollars (\$110) each, and the said colony shall have full power to pass all such by-laws and regulations for their own government as they may deem necessary, not inconsistent with the laws of this state or the United States.
Powers and privileges.	
Capital stock.	
Shares.	
Power to mortgage property.	SEC. 2. <i>Be it further enacted</i> , That it shall not be lawful for the said colony to mortgage or pledge their real or personal estate to any person or persons or corporation for any purpose whatsoever to an amount greater than thirty-three and one-third (33 1-3) per cent. of the actual cash value thereof; and it shall not be lawful for the said colony to guarantee or
Pledging of credit	pledge their credit to any person or company whatever for any purpose other than that immediately connected with the legitimate business and concern of said colony; <i>Provided</i> , That nothing in this act shall be so construed as to prevent the said colony from executing a mortgage to secure the payment of any purchase money still unpaid on the property so mortgaged.
When act to be in force,	SEC. 3. This act shall be in force from and after its ratification.

Ratified the 15th day of February, A. D. 1871.

CHAPTER XVIII.

AN ACT DEFINING AND AMENDATORY OF THE CHARTER OF "THE
WILMINGTON NORTH CAROLINA LIFE INSURANCE COMPANY."

WHEREAS, It is manifestly desirable, that an act entitled Preamble.
"an act to incorporate the Wilmington Life Insurance Company," ratified the twenty-sixth day of February, anno domini one thousand eight hundred and sixty-nine, and an act entitled "an act to change the title of an act to incorporate the Wilmington Life Insurance Company," ratified the twenty-sixth day of February, one thousand eight hundred and sixty-nine, and to amend said act of incorporation ratified the fourteenth day of February, anno domini one thousand eight hundred and seventy, together constituting the present charter of "The Wilmington North Carolina Life Insurance Company," should be made consistent, embodied in one act, and amended as is hereinafter provided :

SECTION 1. *The General Assembly of North Carolina do* Amended charter.
enact, That the two acts referred to in the preamble hereto be and the same are amended as is provided by the following, which is substituted therefor : that J. E. Spearman, S. D. Corporators.
Wallace, W. A. Wright, B. F. Grady, Alexander Johnson, junior, F. C. Singletary, H. B. Eilers, Dr. Thomas F. Wood, G. L. French and others, their present and future associates, are hereby incorporated and made a body politic, by the name, style and title of "The Wilmington North Carolina Corporate name.
Life Insurance Company," with all the powers, rights and privileges necessary and convenient for conducting the business of life insurance, and by said name, style and title, Powers and privileges.
are hereby empowered to purchase, receive, have, hold, possess and enjoy, and to assign, transfer and convey any real or personal estate, including bills, bonds, promissory notes, United States stocks, stock of the national banks of the United States, or of any bank in this or any other state ; to sue and be sued, plead and be impleaded in all courts, to

adopt and use a common seal, and change the same at pleasure, and also to ordain and adopt from time to time all by-laws deemed necessary or convenient for the well ordering, governing and conducting the business of said corporation; *Provided*, such by-laws are not repugnant to the constitution or laws of the United States or of this state.

General business
of corporation.

SEC. 2. The general business to be transacted by said corporation, shall be to make insurance on the lives of individuals, and every kind of insurance appertaining thereto, or connected therewith, to grant, purchase and dispose of annuities, and to make loans of any moneys it may have in possession; and any such loans which may be made to any stockholder, or policy holder in said corporation, may be made at such rate of interest or discount as may be agreed on between the parties to any such contract. The principal office for the transaction of the general business of said corporation, shall be in the city of Wilmington, in this state.

May loan money.
Company may
purchase its
policies.

SEC. 3. The company may purchase for its own benefit any policy of insurance or any other obligation of the company growing out of its business; and also any claims of policy holders for profits; but no officer, director or employee of said company shall make such purchase for his own individual benefit.

Company to de-
posit \$20,000 with
Public Treasurer.

SEC. 4. For the better security of the policy holders, the said company shall deposit with the treasurer of the state, and there keep on deposit, bonds of this state to the amount of twenty thousand dollars, which shall be held in trust by him for the benefit of the policy holders of said company; and in case any policy holder shall be unable to collect from said company any loss which he may have met with which is covered or protected by his policy in said company, the said treasurer shall pay to such policy holder any sum which such policy holder may recover in any court of competent jurisdiction; and in case the said treasurer shall have to pay out any such sum or sums, the said company shall, upon notice of such fact, immediately replace such amount in the hands of said treasurer, so that there shall

Security to policy
holders.

never be less than twenty thousand dollars of the bonds of the state in his hands.

SEC. 5. The capital stock subscribed of said corporation shall not be less than one hundred thousand dollars, and may, at the pleasure of the directors of said corporation, be increased from time to time to any further sum not exceeding one million of dollars, and such capital stock shall be divided into shares of one hundred dollars each. Capital stock. Subscribers to said capital stock shall pay to the treasurer of said corporation within thirty days after the first meeting of such subscribers, five per cent. on each share of stock subscribed for by them respectively; and in addition thereto, shall pay to the treasurer aforesaid fifteen per cent. on each share subscribed for as aforesaid, to be so paid in three equal instalments, which shall be payable respectively, three, six and nine months after the payment of the first five per cent. as aforesaid; and the remaining eighty per cent. due on the shares of said stock subscribed for as aforesaid, shall be secured by note payable to said corporation, the payment of which shall be secured to the satisfaction of the board of directors by mortgage on real estate, or by good and sufficient personal security, or otherwise, as the board of directors may determine, the said notes or assessments thereon as may be made and called for by the board of directors, shall be payable sixty days after demand, and any surety to or endorser on any such note shall, for his indemnity, have a lien on the share or shares of stock, on account of which the same was given; any subscriber to the capital stock of said company who shall fail to pay the several instalments of five per cent. each on the several shares subscribed for by him, or any one of such instalments, or who shall fail to secure the payment of the remaining eighty per cent. due thereon, as is required by the previous provisions of this section, shall, after twenty days' notice of any such default, forfeit all payments which may have been made on account of any such shares, and all profits which may have arisen thereon; *Provided, however,* that if the board of directors shall elect to waive such forfeiture, Shares. Payment of subscriptions. Delinquent subscribers.

said company may sue for and recover from such subscriber so in default, in any court of competent jurisdiction, the amount due by him by reason of his subscription to said capital stock.

Directors.

SEC. 6. The corporate power of said company shall be vested in and exercised by a board of directors, consisting of not less than ten or more than thirty persons, as the number within said limits may from time to time be fixed by the stockholders at their regular annual meetings to be held as hereinafter provided. No person shall be eligible as a director, nor shall any one act as such unless he is the owner and holds in his own right at least five shares of the

Annual elections.

capital stock of said company; and at least one-third of the whole number of such directors shall be residents of the city of Wilmington. Said directors shall be elected by the stockholders by ballot at each regular annual meeting of stockholders, and shall hold said office for the term of one year and until their successors are duly elected; but should the stockholders at any such meeting, for any reason whatever, fail to elect the entire number of directors fixed by the stockholders as hereinbefore provided, the directors who may have been duly elected may, from time to time, fill any

Vacancies.

vacancy so arising either in whole or in part, as in their discretion may be deemed most beneficial to the interest of said company, and all other vacancies occurring in the board of directors from any cause whatever, may be filled by the remaining members of said board. The annual meeting of the stockholders of said company shall be held in the city of

Annual meeting.

Wilmington aforesaid on the fourth Thursday of January in each and every year, or on such other day in January in every year as the board of directors may designate, and by due notice make known. In said annual meetings, and at any special or called meetings of the stockholders of said company, each share of stock shall entitle the holder of the same

Representation of stock.

to one vote either in person or by proxy, and the said company may by its by-laws provide that each policy holder shall be entitled to one vote to be given at any such meeting in person and not by proxy.

SEC. 7. The board of directors shall have power to pre- Transfers of stock
scribe rules and regulations for the transfer of the shares of
the capital stock of said company, to fix the number of
directors necessary as a quorum for the transaction of busi- Quorum of di-
ness, and to suspend, alter or amend any by-laws of the rectors.
company whenever they may consider that the interest of By-Laws
the company will be promoted thereby.

SEC. 8. The directors shall elect from their own number President and
a president and vice-president, and prescribe their respec- other officers.
tive duties. Should the president be absent, or from sick-
ness or from any other cause, be unable to act, the vice-pres-
ident shall discharge his duties, and in the event of the ab-
sence or other inability to act of both the president and
vice-president, the directors shall elect a president *pro tem-*
pore. The directors shall also elect a secretary and treasurer
and such other officers and agents as they may consider
necessary, who shall hold office during the pleasure of said
directors.

SEC. 9. The directors shall have full power to determine Rates of in-
the plan and the rates of any insurance by said company- surance, etc.
the manner of paying and securing the payment of pre-
miums, the amount to be insured on one life, the terms of
such insurance, and also the plan and all other matters con-
nected with the division of profits among the stockholders Division of profits
and the policy holders, and in case any policy holder in said
company should fail to pay any premium, when the same is
due and payable to said company, or violate any other con-
dition of the policy of insurance issued by said company,
the board of directors may consider his policy as forfeited,
and apply all previous payments in connection therewith to
the use and benefit of said company.

SEC. 10. The board of directors within a reasonable time Books of sub-
after their organization, shall cause books of subscription.
to the capital stock of said company to be opened, and give
notice by advertisement in two or more newspapers pub-
lished in this state, of time and place, when and where said
books are or will be opened, and they shall keep such books

open until two hundred thousand dollars is subscribed to such capital stock.

Fiscal year.

SEC. 11. The fiscal year of said company shall commence and terminate with every solar year. Within ninety days after the first day of January, anno domini one thousand eight hundred and seventy-five, and within such reasonable time thereafter as the board of directors may determine, at intervals of not less than two years, the company shall cause a general statement of its affairs to be made, which shall fully and truly exhibit its property and its liabilities, and also its profits remaining after deducting a sum sufficient to re-insure and cover all outstanding risks and contingent liabilities.

Publication of statement of affairs.

Payment of profits to stockholders.

SEC. 12. Within sixty days after the first day of January, anno domini one thousand eight hundred and seventy-five, or sooner and at such subsequent periods as the board of directors may determine, the company shall pay in cash to the holders of its capital stock in proportion to the number of shares held by them respectively, twenty per cent. of the net profits as ascertained under the provisions of the next preceding section, and shall equitably divide the remaining eighty per cent. of said profits among the policy holders in such manner and at such time as the board of directors may determine; *Provided however*, That so much of any such dividends as may be payable to any policy holder who is indebted to said company by note, whether the same be due and payable or otherwise, may be applied in satisfaction and payment of any such note, or the same may be otherwise applied as the by-laws of said company may provide.

Proviso.

Interest on capital stock.

SEC. 13. The holders of the capital stock of said company shall be entitled to interest thereon, to be paid to them half yearly according to their respective shares, but the first payment shall not be made until after the first day of January, A. D. one thousand eight hundred and seventy-one, and the company may, at any future day when it may be deemed beneficial to the interest of the company so to do, pay off and

cancel its capital stock in such manner as to the board of directors may seem best.

SEC. 14. In addition to insurance on the lives of individuals, said company shall have the power to issue accidental policies, insuring against accidents and injuries to persons, and all policies of insurance duly signed by the president and countersigned by the secretary, and attested by the corporate seal of said company, shall be obligatory on said company according to the terms and tenor thereof. All other obligations and contracts entered into by said company, shall be made by such officer of the company and verified in such way as the board of directors shall order or direct.

Accidental policies.

SEC. 15. Policies of insurance issued by said company on the life of any person whatever, expressed to be for the benefit of any married woman, whether such insurance shall be effected by such married woman or by her husband, or by any other person in her behalf, shall inure to her separate use and benefit, and that of her or her husband's children, if any, as may be expressed and provided in said policies, independent of any claim or demand on the part of her husband, his representatives or his creditors, and independent of any claim or demand of any other person who may have effected such insurance in her behalf, his creditors and representatives: *Provided, however,* That the provisions of this section shall not apply to any such policy of insurance, on which the cash portion of the annual premium shall exceed the sum of three hundred dollars, unless the excess beyond said sum which may be paid during each year shall have been derived from the private funds or separate property of such married women.

Insurance in behalf of any married woman not subject to debts of husband.

Proviso.

SEC. 16. That the corporate rights and privileges hereby granted shall exist and continue for the term of one hundred and ninety-nine years, and upon the dissolution of said corporation, whether by limitation of time or otherwise, it shall nevertheless be continued a body corporate for the term of ten years thereafter, for the purpose of prosecuting and

Corporate term

defending suits, settling up its business and disposing of and conveying its property and effects.

When act to be in force.

SEC. 17. That this act shall take effect from and immediately after its ratification.

Ratified the 16th day of February, A. D. 1871.

CHAPTER XIX.

AN ACT TO CHANGE THE CORPORATION BOUNDARIES OF THE TOWN OF LEXINGTON, IN DAVIDSON COUNTY.

Change of boundaries of town of Lexington.

SECTION 1. *The General Assembly of North Carolina do enact*, That section first of an act entitled "an act to incorporate the town of Lexington, in the county of Davidson," ratified the twelfth day of April, anno domini one thousand eight hundred and sixty-nine, be so amended as to make the North Carolina Railroad, between the points at which the eastern and western boundaries mentioned in said act, cross said railroad, the southern boundary of said town.

Amendment to act of 12th April, 1869.

SEC. 2 That section seven of said act be so amended as to limit the power of the commissioners to impose tax, to one-half of the State tax on like subjects of taxation; *Provided*, that the present town authorities shall have no power to levy any further tax before the first day of May, one thousand eight hundred and seventy-one.

When act to be in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 17th day of February, A. D. 1871.

CHAPTER XX.

AN ACT TO INCORPORATE THE TOWN OF GIBSONVILLE, IN THE
COUNTY OF GUILFORD.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Gibsonville, in the county of Guilford, be and the same is hereby incorporated by the name and style of "Gibsonville," and shall be included within the following boundaries; to wit: Beginning on the county line between Guilford and Alamance, at a post oak, southwest of D. Cummings' barn, and thence north with county line one hundred and seventy-eight poles to a post oak, thence west one hundred and sixty poles to a stone, thence south one hundred and seventy-eight poles to a stone, then east one hundred and sixty poles to the beginning.

Gibsonville incorporated.

Boundaries.

SEC. 2. That it shall be lawful for the citizens residing within these limits, on the first Monday in May in each year after the year one thousand eight hundred and seventy-one, to elect a town magistrate, three commissioners and a constable, to serve as such for one year from the day of election, or till their successors are appointed.

Election of officers.

SEC. 3. The town magistrate and the commissioners and constable after they are elected, shall take an oath faithfully to perform their duties, and shall be a body corporate and politic, and shall have and enjoy all the rights and privileges enumerated in chapter one hundred and eleven (111) of the revised code.

Oath of office.

SEC. 4. That the sheriff of Guilford, or some one of his deputies, after giving ten days notice, shall hold an election as prescribed by law for municipal officers, for town magistrate, commissioners and constable within fifteen days after the ratification of this act, and that any magistrate in Rock Creek township may administer the oath of office to the persons elected.

Sheriff to hold municipal election.

SEC. 5. That this act shall be in force from and after its ratification.

When act to be in force.

Ratified the 18th day of February, A. D. 1871.

CHAPTER XXI.

AN ACT TO CONFIRM THE SALES OF LOTS IN THE TOWN OF
SPARTA, ALLEGHANY COUNTY.

Certain sales of
town lots legal-
ized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the sales of lots in the town of Sparta, Alleghany county, made on the fifteenth day of October, one thousand eight hundred and sixty-six, by F. J. McMillan, J. H. Parks and Robert Gambill, (commissioners, authorized by the county court,) also all sales made by the county commissioners, are hereby legalized and made valid.

Title.

SEC. 2. That the chairman of the board of county commissioners is hereby authorized and empowered to make and convey fee simple titles to purchasers of lots under section one of this act.

Former deeds
made valid.

SEC. 3. That all deeds hereafter made by the chairman of the board of county commissioners of Alleghany county, to lots sold under section one of this act, is hereby legalized and made valid.

County Commis-
sioners to sell re-
maining town lots

SEC. 4. That the county commissioners of Alleghany county, are hereby authorized to sell all lots in the town of Sparta belonging to said county, and not sold under section one of this act, or any lot or lots which may have or may hereafter revert to said county by default of purchaser, and the chairman shall make and convey fee simple titles to the same.

When act to be in
force.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 22d day of February, A. D. 1871..

CHAPTER XXII.

AN ACT IN RELATION TO TOWN LOTS IN THE TOWNS OF FRANKLIN
AND BOONE, NORTH CAROLINA

SECTION 1. *The General Assembly of North Carolina do enact*, That the chairman of the board of county commissioners of Macon and Watagua counties, be and they are hereby authorized and empowered to make deeds of conveyance to any town lot or other real estate owned by said counties when directed by a majority of said board so to do.

County Commissioners of Macon and Watauga may make deeds of conveyance of town lots.

SEC. 2. This act shall be in force from and after its ratification.

When act to be in force.

Ratified the 22d day of February, A. D. 1871.

CHAPTER XXIII.

AN ACT TO AMEND AN ACT RATIFIED FOURTEENTH DAY OF
DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY
NINE, AMENDATORY OF AN ACT INCORPORATING THE TOWN
OF HICKORY TAVERN, RATIFIED THE TWELFTH DECEMBER,
ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

WHEREAS, The inspectors appointed by an act amend- Preamble.
atory of an act incorporating the town of Hickory Tavern,
ratified the fourteenth day of December, one thousand eight
hundred and sixty-nine, failed to comply with the provisions
of said act in the matter of an election held in said town for
commissioners on the first Monday of January, one thousand
eight hundred and seventy, which required said inspectors
to make out two statements of said election, the one to be
returned to the register of deeds of said county and the
other to the secretary of said town ;

SECTION 1. *The General Assembly of North Carolina do enact*, That all the proceedings, orders and acts of the com-
missioners of the town of Hickory Tavern shall be deemed
valid.

Certain proceedings of town commissioners made valid.

and held to be as valid as if the provisions of the act above recited had been in all respects complied with.

Boundaries of town.

SEC. 2. *Be it further enacted*, That the corporate limits of said town of Hickory Tavern shall be two miles square, having for the centre of the same the warehouse of the Western North Carolina Railroad.

Changes in roads and streets.

SEC. 3. *Be it further enacted*, That the commissioners of said town of Hickory Tavern shall have full power and authority to make all changes in the roads and streets within the corporate limits of said town, that they may deem necessary for its interests; *Provided*, That such changes shall not be made to the damage of private property, unless by the written consent of the owner of such property, or by paying the full value of damages for the same.

Proviso.

Payment of indemnity to property holders:

When act to take effect.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its ratification.

Ratified the 22d day of February, A. D. 1871.

CHAPTER XXIV.

AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH, RATIFIED FEBRUARY THIRD, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN, AND JANUARY TWENTY-EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

Qualification of electors.

SECTION 1. *The General Assembly of North Carolina do enact*, That no person shall be entitled to vote for mayor or commissioner unless he shall be an elector of the state of North Carolina, and shall have resided next preceding the day of election ninety days within the corporation, and thirty days in the ward which he claims to be a voter.

Eligibility to office.

SEC. 2. That no person shall be eligible as mayor or commissioner unless he shall be a qualified voter as prescribed in the preceding section.

Polling places.

SEC. 3. That in all elections, the polls shall be opened in the several wards of the city, as follows: In the eastern

ward, at Moore's square; in the middle ward, at the court house; in the western ward, at Nash square; and that each voter shall vote in the ward in which he shall be registered.

SEC. 4. That a registration shall be had of the voters of the several wards, and that a copy of the registration of each ward shall be furnished the poll holders, and no person shall be allowed to vote unless his name be found thereon. Registration.

SEC. 5. That the registration shall be closed ten days before the election, and after the closing of the same no person shall be allowed to register; however, the registrar is authorized and empowered before said books shall be closed, to register therein all persons who, not then being of the age of twenty-one years, but otherwise qualified to register, who may arrive at the age of twenty-one years on or before the day of election.

SEC. 6. That the election for mayor and commissioners of the city of Raleigh shall be held on the first Monday in May, in each and every year. Time of election.

SEC. 7. That the board of commissioners may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time, those who consent to the same shall vote "approved," and those who do not consent shall vote "not approved." Commissioner may borrow money.

SEC. 8. That no mayor or commissioner, or other officer of the city, shall directly or indirectly become a contractor for work to be done for the city; and any person herein offending shall be guilty of a misdemeanor. Municipal officers not to be contractors.

SEC. 9. That the present mayor and commissioners of the city of Raleigh shall continue in office until the first regular election under this act, which shall take place on the first Monday in May, one thousand eight hundred and seventy-one. Term of present incumbents.

SEC. 10. That the mayor of the city of Raleigh shall appoint suitable persons to act as registers in the several wards of the city, and that the registration shall close on the Appointment of Registrars.

tenth day before the first Monday in May, one thousand eight hundred and seventy-one.

Inspection of
registration book.

SEC. 11. That within twenty-four hours after the close of the registration for the election in one thousand eight hundred and seventy-one, and all subsequent elections, the registration books shall be deposited in the office of the mayor of the city and be opened for the inspection of the citizens.

Repealing clause.

SEC. 12. That all laws and clauses of laws coming in conflict with this act, be and the same are hereby repealed.

When act to be in
force.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 22d day of February, A. D. 1871.

CHAPTER XXV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF
WASHINGTON TO COLLECT TAXES HERETOFORE LEVIED.

Authority to col-
lect taxes hereto-
fore levied.

SECTION 1. *The General Assembly of North Carolina do enact*, That the board of commissioners of the town of Washington be and they are hereby authorized and empowered to collect the taxes levied by the last board of commissioners and remaining uncollected; *Provided*, Such taxes were levied on property situate within the corporate limits of said town, or on trades, professions or occupations carried on therein.

Proviso.

When act to take
effect

SEC. 2. This act shall take effect from its ratification.
Ratified the 24th day of February, A. D. 1871.

CHAPTER XXVI.

AN ACT TO INCORPORATE THE MECHANICS' ASSOCIATION OF WIL-
MINGTON, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Moses Merrick, William H. Shaw, F. C. Sad-
gwar, H. Ried, S. T. Potts, John Martin, Francis Telfair,
Lewis Sheridan and Geo. W. Price, Jr., and their associates,
assigns and successors, be and they are hereby constituted a
body politic and corporate under the name and style of the
Mechanics Association; shall have successors, use a common Name.
seal, may sue and be sued, plead and be impleaded, and
shall have all the powers incident to bodies corporate, may
hold and acquire real and personal property, and shall have
all the rights and privileges to conduct and carry on the Rights and privi-
legues.
affairs and business of said association.

SEC. 2. That the members of said association may pass all By-Laws.
such by-laws and regulations as may be necessary to organize
the same, may elect such officers and on such terms as they
may think proper.

SEC. 3. That said association shall have the right and Further powers.
power to sell and dispose of any real or personal property
purchased by them, or placed in their hands for sale in any
mode or manner the association may deem best, not contrary
to law.

SEC. 4. This act shall be in force from and after its ratifi- When act to be in
force.
cation.

Ratified the 24th day of February, A. D. 1871.

CHAPTER XXVII.

AN ACT IN RELATION TO THE SALE OF SPIRITUOUS LIQUORS
IN THE TOWN OF ASHEVILLE.

Question of sale
of spirituous li-
quors to be sub-
mitted to voters.

SECTION 1. *The General Assembly of North Carolina enact,* That the sixth section of the seventy-ninth chapter of the revised code, in its application to the corporation of the town of Asheville, in the county of Buncombe, shall be altered, amended and modified as follows, that is to say: There shall be an election held at the court house, or other place of holding elections in the town of Asheville, on the first Thursday in June next, and on the same day in each and every year thereafter, for the purpose of determining whether spirituous liquors shall be sold by the wholesale or retail within the corporate limits of said town.

Who may vote.

SEC. 2. That at said election in each and every year held at the court house or other place of holding elections every person qualified to vote in the general state elections and who have resided within the limits of said corporation for thirty days prior to said elections, shall be entitled to vote upon said question, which said voting shall be in man-

Manner of voting

ner and form as follows: each voter shall deliver to the judge appointed to hold said election a printed or written ticket, upon which shall be written or printed the words "license" or "no license;" every one of which tickets shall be received by the judges of said election, and put into a box prepared for that purpose, in the manner and under the regulations prescribed for voting in the election of members to the general assembly; the said judges causing each voter's name to be recorded as now prescribed by law in other elections, and when the polls shall be closed, the said judges shall proceed to examine and count the whole number of votes polled, and shall, under their hands and seals, certify to the board of county commissioners at their next meeting and also to the mayor and commissioners of said town

Returns of elec-
tions.

whether a majority of the said votes were given for "license" or "no license."

Sec. 3. That when it shall be certified by the judge aforesaid to the board of commissioners as required in the preceding section, that a majority of the votes thus cast were inscribed "no license," it shall not be lawful for said board of commissioners or either of them to grant to any person or persons a license to retail spirituous liquors within the limits aforesaid, and any commissioner or commissioners voting to grant such license within the limits of said corporation shall be liable to be indicted for a misdemeanor in office, nor shall it be lawful for any person or persons to sell under any pretense or pretenses whatever within the limits of said corporation, either with or without a license, spirituous liquors in any quantity, either by the wholesale or retail, except for medicinal purposes within one year after such certificate has been returned as aforesaid, and if any person or persons shall knowingly violate the provisions of this section, such person shall be subject to be indicted, and upon conviction, fined or imprisoned or both, at the discretion of the judge.

Penalty for violation of laws,

Sec. 4. The board of commissioners of Buncombe county at their regular meeting in May, anno domini, one thousand eight hundred and seventy-one, and at the same meeting in each and every year thereafter, shall appoint three competent persons as judges, residents of said town of Asheville, who shall hold said election at the court house or other place of holding elections in said town at the time hereinbefore prescribed, opening the polls at 9 o'clock, A. M. and keeping the same open till 5 P. M., of said day, and make return to the county commissioners and commissioners of said town as herein prescribed, and any person so appointed as a judge who shall fail or refuse to discharge such duty, or who shall act partially or corruptly in the discharge of the same, shall be subject to be indicted for a misdemeanor, and upon conviction, shall be fined or imprisoned, at the discretion of the judge of the court.

Time of holding election.

Judges of election.

Notice of ap-
pointment to
judges of elec-
tion.

SEC. 5. That it shall be the duty of the register of deeds within five days after the appointment of the judges as aforesaid, to issue written notices to the several persons appointed judges as aforesaid, notifying them of their said appointment, which shall be delivered instantler to the sheriff of said county and by him forthwith served upon the respective person to whom they are addressed, and such sheriff for each and every failure to serve such notice, or make due return thereon within ten days after the same have been delivered to him shall be subject to indictment, and upon conviction fined or imprisoned.

Registration of
voters.

SEC. 6. That for the purposes of this election, a register shall be appointed by the commissioners of the town of Asheville, whose duty it shall be to open books to be furnished by said commissioners at some place in said town after giving ten days notice thereof, and kept open for two days (Sundays excepted) prior to said election, for the purpose of registering all the voters qualified to vote in said election, and said register shall also keep his books open at the polls on the day of said election till 5 o'clock P. M. of said day, for the purpose of registering qualified voters.

SEC. 7. That when a majority of the votes cast at said election shall be inscribed "license," this act shall not in any wise apply for and during the year next ensuing such election.

Repealing clause.

SEC. 8. That all laws and clauses of laws in conflict with the meaning and purview of this act, be and the same are hereby repealed.

When act to be in
force.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1871.

CHAPTER XXVIII.

AN ACT TO INCORPORATE CLAY LODGE, NUMBER THREE HUNDRED AND ONE, ANCIENT YORK MASONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the worshipful master, wardens and members of Clay lodge, three hundred and one, of Ancient York Masons, located at Hayesville, in the county of Clay, be and they are hereby incorporated into a body politic and corporate under the name and title of Clay Lodge, number three hundred and one, Ancient York Masons, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record, or before any justice of the peace in the state, contract, and be contracted with, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of business, and in general exercise and enjoy all the rights and privileges as are usually enjoyed and incident to corporate bodies of like nature.

Corporate name.

Powers and privileges.

SEC. 2. This act shall be in force from its ratification.

When act to be in force.

Ratified the 27th day of February, A. D. 1871.

CHAPTER XXIX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE WILMINGTON STEAM FIRE ENGINE COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That the second section of an act entitled an act to incorporate the Wilmington Steam Fire Engine Company, ratified the eighth day of March, one thousand eight hundred and sixty-nine, be and the same is hereby so amended as to

Increase of number of members.

increase the number of the members of the said company from seventy-five to one hundred.

When act to be in force.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1871.

CHAPTER XXX.

AN ACT TO AMEND SECTION THREE OF CHAPTER ONE HUNDRED AND TWENTY-TWO OF PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three (3) of chapter one hundred and twenty-two of the private laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, be amended so by striking out in line two (2) the word "day," and insert in lieu thereof the word "Monday," so that the said section shall require the election therein provided for to take place on the first Monday in January in each year.

When act to take effect.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 27th day of February, A. D. 1871.

CHAPTER XXXI.

AN ACT TO INCORPORATE THE TOWN OF WAYNESVILLE, IN THE COUNTY OF HAYWOOD.

Town of Waynesville.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Waynesville, in the county of Haywood, be and the same is hereby incorporated by the

name and style of the town of Waynesville, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the revised code, not inconsistent with the constitution and laws of this state or of the United States; also subject to the provisions of the general laws in relation to incorporations, passed by the general assembly at the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: one-half mile east, west, north and south from the court house; then a line shall be marked out, commencing at the terminus of the half mile running east from the court house to the terminus of the half mile north of the court house; thence to the terminus of the half mile west of the court house; thence to the terminus of the half mile south of the court house; thence to the terminus of the half mile east of the court house to the beginning.

Corporate limits.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and constable. It shall be the duty of the sheriff of Haywood, or any justice of the peace within said bounds, within thirty days after the ratification of this act, after giving ten days notice by advertising at the court house door and two other places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and state elections are held; and upon the same day and place they may vote upon the question of granting license to persons for the purpose of retailing spirituous liquors within said corporation; those voting for this privilege to be granted shall have the word "*license*" written or printed on their tickets, and those opposed the words "*no license*;" and if the majority of the votes so cast say "*no license*," the commissioners shall have no power to grant license. Any person violating this law shall be subject to all the pains and penalties prescribed by law for persons selling spirituous liquors without authority of law.

Officers of corporation.

Sheriff of Haywood to hold municipal election.

Question of sale of spirituous liquors.

- Qualification of voters.** SEC. 4. That all resident citizens within said corporation that have resided thirty days previous to the election, shall be entitled to vote at said election.
- Oath of commissioners elect.** SEC. 5. It shall be the duty of the commissioners elect to meet together and organize, take and subscribe to the following oath: I, A B, do swear that I will faithfully act as commissioner to the best of my knowledge and ability for the ensuing year, so help me God.
- Municipal laws, &c.** SEC. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this state and the United States.
- Taxation.** SEC. 7. That the commissioners shall have power to levy a tax not to exceed fifty (50) cents on the poll, and not to exceed twenty-five cents on the hundred dollars' valuation of property.
- Limitation of tax.** SEC. 8. The commissioners shall have power to tax all subjects of state taxation within their corporate limits, to an amount not exceeding one-half of the state tax, and they shall also have power to abate all nuisances, and for this may impose such fines as may be necessary to abate them.
- Repair of streets, &c.** SEC. 9. It shall be the duty of said commissioners to expend the tax so levied and collected in repairing the street and sidewalks and keep them in good and passable order.
- Appointment of Secretary.** SEC. 10. The commissioners when organized shall have power to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer, who shall enter into bond in the sum of five hundred dollars, payable to the state of North Carolina, with one or more securities, approved by the commissioners, and it shall also be their duty to require of the constable elect to enter into bond payable to the state of North Carolina in the sum of five hundred dollars, with one or more securities, approved by the said commissioners.
- Constable.**
- Powers of Mayor.** SEC. 11. That the mayor, when elected and qualified shall have the same powers to all intents and purposes that any other magistrate of the county has.

SEC. 12. That the mayor elect, before entering into office, To take oath. shall go before some person authorized to administer an oath, and take the oath of a justice of the peace, and he shall hold an election as provided in section three of this act, on the first Monday in May, one thousand eight hundred and seventy-two, and each successive year.

SEC. 13. That the constable elect, before entering into Constable's oath. office, shall go before some person authorized to administer an oath, and take the oath usually taken by constables.

SEC. 14. That all laws and clauses of laws heretofore Repealing clause. enacted coming in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratifi- When act to be in force. cation.

Ratified the 27th day of February, A. D. 1871.

CHAPTER XXXII.

AN ACT TO INCORPORATE THE TOWN OF LINCOLNTON.

SECTION 1. *The General Assembly of North Carolina do* Corporate name. enact, That the commissioners and their successors in office, chosen and elected as hereinafter provided, be and are hereby created a corporation and body politic, under the name of the "Board of Commissioners of the town of Lincolnton," and they shall have full power to make all by-laws, rules, regulations and ordinances for the benefit and good government of said town, not inconsistent with the constitution of the United States or of the state of North Carolina; to contract and be contracted with, sue and be sued, to purchase, hold and convey real or personal estate; and all other rights and powers necessary or usually pertaining to municipal corporations. Powers and privileges.

SEC. 2. Said town shall be divided into four wards by the Town wards. intersection of the two main streets, to be known as follows, to-wit: That part lying northeast of said intersection, as Boundaries.

Representation.

ward number one; that part lying southeast, as ward number two; that part lying southwest, as ward number three; and that part lying northwest, as ward number four. Two commissioners shall be elected from each ward, and one intendent from the town at large; all of whom shall have resided in the state twelve months, and in the county thirty days next preceding the day of election, and be of the full age of twenty-one years, and male citizens. When a vacancy shall occur by resignation or otherwise, the board of commissioners shall fill the vacancy.

Sheriff to hold election.

SEC. 3. That the sheriff of Lincoln county, or deputy, shall advertise for an election of intendant and commissioners, at least ten days before the first Monday of every May, and shall attend at the courthouse on said day of election at the hour of nine in the morning and open the polls of election in the presence of three inspectors, by him appointed, and legally qualified, who shall receive the tickets and put them in their respective boxes, provided for that purpose, to-wit: one box for intendant and another for commissioners. One inspector, personally or by an agent chosen by him and legally qualified, shall take down a list of the persons voting for intendant, and the other two inspectors shall in like manner take down a list of the persons voting for commissioners. At the hour of five in the evening, the sheriff or deputy, in the presence of the inspectors, shall close the polls, and open the said boxes containing the ballots, examine and number the same, and shall declare the person receiving the highest number of votes in the intendant's box, the intendant of the town of Lincoln, and the two persons receiving the highest number of votes in their respective ward, commissioners of the town of Lincoln for one year from the third day next after the election; *Provided*, That in case of a tie, the sheriff or deputy shall give the casting vote; *And provided further*, That in case the sheriff or deputy refuse or neglect to hold said election, he shall forfeit and pay to the use of the corporation five hundred dollars.

SEC. 4. That on or before the third day after their election, the intendant and commissioners so elected, shall meet at the courthouse, or other place by them appointed, and take an oath to support the Constitution and laws of this State and the United States, and to discharge the duties imposed upon them by virtue of their office with fidelity, and to the best of their ability; which oath shall be administered by some justice of the peace or the former intendant. Oath of office.

SEC. 5. It shall be the duty of the intendant to preside, if present, at all meetings of the board of commissioners, to call meetings of the board when he thinks proper, and when required in writing by three commissioners; and if he refuses when so required, they may of themselves convene a meeting, and in case of the voluntary absence of the intendant, when his presence is necessary to make a legal assembly, or if he refused to perform any duty which said board shall require of him by ordinance, he shall be liable to indictment in the superior court for said county as for a misdemeanor, and on conviction, may be fined at the discretion of the court; the fine to go to the use of the town. And he shall see that the laws of the state, and the ordinances of the board of commissioners are obeyed and executed within the town. He shall be a justice of the peace during his term of office, and shall perform all the duties required of such an officer by the laws of the state. Any person against whom he shall give judgment, or pass sentence by virtue of the power herein granted, or by any ordinance of the board of commissioners who shall feel himself aggrieved thereby, may appeal to the superior court of the county, as provided in such cases in the courts of common law. And the intendant shall keep a faithful record of all process, returns, judgments, sentences and all proceedings therein before him, in a book provided for the purpose, and deliver the same to his successor; and in all cases when the person shall be unable to pay the fine or penalty imposed, he shall have power to sentence such person to confinement and hard labor within the corporate limits, for a term not exceeding three months; and in all cases of appeal, he shall return all the original Duties of Intendant.

papers, together with his judgment therein, to the court to which the appeal was granted. In all civil and criminal cases, he shall be entitled to demand and receive the same fees given by law to other justices of the peace for similar services, which may be collected in the same manner.

Meetings of commissioners.

SEC. 6. The board of commissioners shall meet at the courthouse or other place appointed by them, on the first Friday night of each month, and such other times as may be agreed on from time to time by them, and a majority shall constitute a quorum to transact business. The intendant shall have no voice except in a case of tie vote at the meetings of the board.

Clerk and Treasurer.

SEC. 7. At the first meeting of the board of commissioners, or as soon thereafter as practicable, they shall appoint some citizen of the town to the office of town clerk and treasurer, who shall be allowed a reasonable salary to be fixed by the board, and who shall hold his office during the official term of the board, subject however, to be removed at any time for misbehavior. He shall give bond payable to the board of commissioners of the town of Lincoln, in a penal sum to be fixed by the board, conditioned that he shall keep regularly and faithfully the proceedings of the board at their meetings, keep all papers, books and articles committed to his custody during his term of office, and to deliver them to his successor; and that he shall receive and faithfully keep all moneys which shall be paid to him for the use and on behalf of the board of commissioners, and disburse the same according to orders given, in obedience to the direction of the board appearing on their minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him in a book to be kept for that purpose, and he shall submit said accounts to the board whenever required; and he shall pay to his successor all moneys in his hands belonging to said board, and faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board; and the book of proceedings of the board of commissioners, kept by the clerk and treasurer, shall be evidence in any court of record. The said clerk

Duties of clerk.

shall make out a roll of the whole number of the qualified voters of the town, from the tax lists, which roll he shall exhibit to the board at least ten days before such election, a copy of which roll he shall deliver to the inspectors holding the election on the day of election of commissioners, and no person shall be allowed to vote whose name does not appear on said roll.

SEC. 8. The board of commissioners shall appoint within ten days after their election, or as soon thereafter as may be, a fit person to the office of town constable, who shall be a qualified voter of the town, who shall give bond with good sureties in a penal sum to be fixed by and payable to the board of commissioners, with condition that he will diligently collect all taxes imposed by said board, and faithfully pay to the clerk and treasurer all sums of money collected or received by him to or for the use of the board, and that he will faithfully discharge all other duties imposed on him by the laws and ordinances of said board, and obey and diligently execute all lawful precepts to him directed by said board. He shall receive the same fees for his services as other constables, and such other compensation as may be allowed by the board. He shall hold his office during the term of the board appointing him, subject to be removed at any time for misbehavior. Town constable.

SEC. 9. It shall be the duty of the town constable to apprehend all disorderly persons whom he shall find disturbing the public peace, or exhibiting themselves drunk, or whom he shall have just cause to suspect of an intention to commit a felony, and he may imprison such persons until they can be brought before the intendant or justice of the peace for trial, or they may give bail for their appearance before said intendant or justice of the peace, the bond to be payable to the board of commissioners, and in case the person bailed do not appear, such action shall be taken on the bond as is usual in courts of record before the intendant or justice of the peace. It shall be the duty of the constable to preserve the peace by the suppression of disturbances, and the apprehension of all offenders, and to that end, he is hereby clothed Duties of constable.

with all power now vested in sheriffs and constables, and also the same powers in the execution of process directed to him, as that vested in sheriffs in similar cases. He shall have power to call as many persons to his assistance as the board may direct. Any resistance to or assault on said constable or any member of the police called to his assistance as aforesaid, while in discharge of his or their duties, shall be indictable and punishable in the superior court as in other cases of public officers.

Assessors of real estate.

SEC. 10. The board of commissioners shall annually appoint three citizens of said town, who shall each have a freehold in said town assessed for taxation at not less than three hundred dollars, whose duty it shall be to assess the real value of all town lots within the corporate limits of the town, which shall be taxed according to said valuation. Said assessors before discharging the duties assigned them, shall take an oath before the intendant that they will fairly and impartially assess the value of all lots within said town for which they shall be allowed a compensation by the board.

Listing taxes.

SEC. 11. The clerk and treasurer shall, at such time as shall be prescribed by the board, make advertisement, notifying all persons residing or owning property in the town on the first day of April, who own or possess taxable property in the town on the day aforesaid, to return to him within ten days from the date of said advertisement, a list of their taxable property in said town; said list shall state the number of lots and parts of lots, the number of taxable polls residing on the lots, and all other property now made or that hereafter may be made taxable by the revenue laws of the state, and the list so returned to the clerk and treasurer shall be sworn to before him, and he is hereby authorized to administer the oath to all persons making such returns, and the said list shall be filed, and from the same the clerk and treasurer shall, within ten days after the time for taking said list shall expire, make out in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of

state taxes, and shall deliver to the town constable a certified copy of the same for the collection of the taxes therein returned, and the said lists shall be in the nature of a judgment and execution for the taxes therein mentioned.

SEC. 12. The clerk and treasurer shall, within ten days from the return of the tax lists, make out, to the best of his knowledge and belief, a list of taxable polls and owners of taxable property in the town who shall have failed to return a list as hereinbefore required, and said delinquents shall forfeit and pay a sum to be fixed by the board, not exceeding a double tax, which penalty may be received as other fines and penalties imposed by the board before the intendant or a justice of the peace. **Delinquent tax payers.**

SEC. 13. The board of commissioners shall have power to levy annually and cause to be collected the taxes necessary to support the town government, which tax shall be assessed according to the provisions of the constitution of the state and the revenue laws of the state consistent therewith, as to the rule of uniformity of taxation. The said taxes shall in no case exceed per centum the county taxes, and shall be levied on property and polls taxed by the state. In addition thereto, there shall be levied and collected the following taxes, to-wit: first, on every pistol, bowie-knife, dirk, sword, cane or other deadly weapon worn upon the person, except a pocket-knife, without the special permission of the board, a tax not exceeding five dollars; second, on all keepers of eating houses, fish, meat or vegetable, a tax not exceeding one per cent. on cost; third, on every keeper of a house of entertainment or boarding house, or livery stable keeper, a tax not exceeding twenty dollars; fourth, on all peddlers of articles of any kind, organ grinders and itinerant musicians, a tax not exceeding fifteen dollars; fifth, on every bowling alley, billiard table, and all gaming establishments, a tax not over fifty dollars, reserving the right to remove them at any time as nuisances; sixth, on every agency of an incorporated company, on every broker, express company, taker of likeness by whatever act, a tax not over twenty dollars; seventh, on every company of circus riders, a tax not over twenty **Annual tax levy.** **Special taxes.**

Special taxes.

dollars; eight, on every animal show, company of stage or theatrical performers, slight of hand performers, rope or wire dancers, jugglers, exhibition of natural or artificial curiosities, not over ten dollars; ninth, on singers for pay, ethiopian minstrels, and all other performances and lectures for reward, and all shows not included in the above, a tax not over five dollars; tenth, on every dray, express wagon or omnibus, a tax not over ten dollars; eleventh, on every dog, hog, goat or cow running at large a tax not over three dollars; twelfth, on every stallion or jackass in the town, or standing in the town, a tax not over twenty dollars, reserving the right to remove such at any time as a nuisance; thirteenth, on all retailers of wines, cordials, malt and spirituous liquors, by the quart or less, a tax not exceeding one hundred dollars; and all persons selling wines, malt and spirituous liquors, by more than a quart, a tax not over seventy five dollars; reserving the right in each instance to levy a tax on the wines, malt and spirituous liquors, as merchandise, but in no instance to exceed the tax levied for county purposes. The board of commissioners shall have power to make all rules, regulations and ordinances for the returning of the taxable articles aforesaid, and levying and collecting the taxes thereon.

Fire companies.

SEC. 14. The said board shall have power to authorize the formation of a fire and a hook and ladder company in said town, and make by laws, impose penalties, and prescribe such rules for the government of the same as may be deemed proper.

Contagious diseases, fires, etc.

SEC. 15. Said board shall have power, by suitable ordinances and penalties to prevent or check all contagious and infectious diseases from entering or continuing in said town, or spreading therein, also to prevent or check fires in the town.

Repair and policing of streets.

SEC. 16. The said board shall keep the streets of said town in good order and well drained: to have removed all accumulations of dirt, refuse and rubbish, to widen or narrow the streets and alleys; to cause the sidewalks to be curbed or paved when deemed necessary, and make such improve-

ments and alterations as public convenience may require. The streets and roads shall be kept up and worked by the tax payers of the town, either in work or the equivalent in money, one or both, as the board may prescribe. In case of failure to pay the penalty annexed, to wilful refusal to work on the streets and roads in the corporation, when required by the board, the delinquents shall be liable to indictment.

SEC. 17. The board shall have the control over all the property, lots and buildings belonging to the town, and may improve or dispose of the same, but not without the consent of a majority of the voters of the town, duly ascertained by ballot, after twenty days public notice. Said board shall have power to purchase and improve a fair ground, ground for a public cometary, squares or public walks, sites for markets or other public buildings for the town, a majority of the voters of the town agreeing thereto as before prescribed.

Disposition of
town properties.

SEC. 18. Said board shall from time to time makes rules, ordinances and regulations concerning the firing of fire-arms and all explosions in the town, the pace and speed at which horses may be driven or ridden through the streets, the arrangements of stove pipes in buildings, the mode in which fire shall be kept or carried through town, the manner in which powder and other explosives may be kept and sold, the manner in which dogs, goats and hogs and cattle may be kept, and to prevent them from running at large in said town; to cause all alleys, lots, cellars, privies, stys, stables and other places of similar character to be examined, cleaned, removed or abated as may be prescribed by the board; and to prohibit all trades or occupations which are nuisances from being carried on in the town.

Town ordinances.

SEC. 19. Said board shall have power to regulate the manner in which provisions and all other articles shall be sold in the streets and markets of the town, and regulate the manner in which the streets and markets may be used.

SEC. 20. The said board shall have power to grant and cancel all license to retail wine, malt or spirituous liquors by the small measure within said town to any person or per-

Retailing of
liquors.

sons they may think proper ; *Provided*, The party licensed shall first pay such taxes as may be imposed by the board, and give bond with approved security in the sum of five hundred dollars, payable to the board, conditioned for the keeping of an orderly and lawful house ; and no person shall be permitted to retail wine, malt or spirituous liquors within the town or one mile thereof unless licensed by the board.

SEC. 21. The said board shall have power to make all ordinances, laws, rules and regulations for the good government, health and safety of the property and persons in said town, not inconsistent with the laws of this state or the United States, and to impose penalties for the breaking or infringement of any laws or ordinances by them established.

Forfeiture of penalties.

SEC. 22. All forfeitures and penalties which are imposed by this act, or which shall or may be imposed by the ordinances of said board, and which are not otherwise enforced, shall be sued for in the name of the board of commissioners of the town of Lincolnton, before the intendant or justice of the peace, and when so recovered, shall be paid to the treasurer for the use of the town.

Use of jail.

SEC. 23. The board of commissioners may use the jail or build or rent a house for the purpose of confining those who disobey the law and ordinances of the town and are sentenced to imprisonment.

Intendant's court.

SEC. 24. The board may establish when and where the intendant shall hold his court, and in his absence the board shall appoint one of their number to act in his place until the returns or on election.

Oath of constables and patrol.

SEC. 25. The town constable and police or patrol shall take an oath to carry out diligently and truly all duties placed upon them by the board, and to arrest and confine or report all persons offending against the laws and ordinances of the town.

Corporate limits.

SEC. 26. The corporate limits of the town of Lincolnton shall be the same as heretofore established under previous charters.

Repealing clause.

SEC. 27. All laws and clauses of laws inconsistent with this act are hereby repealed.

SEC. 28. This act shall not go into effect until it has been ratified by a vote of the legal voters of the town, at an election held for that purpose, and it is hereby made the duty of the intendant, within twenty days after the ratification of this act, to advertise for ten days in three or more places in said town for an election to be held for the purpose of adopting or rejecting this act. He shall cause tickets to be printed or written with the word "*adopted*" on one set, and the word "*rejected*" on the other set; and at said election, to be held at the court house in Lincolnton, all persons entitled to vote shall be permitted to vote, and if a majority of the votes cast shall be for adopting this act, then this act shall go into effect immediately thereafter, but if a majority shall be for rejecting said act, then this act shall not go into effect.

Act to be submitted to voters.

SEC. 29. The intendant and commissioners who are in office when this act shall be adopted by the voters of the town, as hereinbefore prescribed, shall continue to hold their offices until the next regular election for corporate officers under the existing laws of the state, and until their successors are regularly chosen and inducted into office.

Continuance of present officers.

SEC. 30. That the town council of the town of Lincolnton shall have power, a majority of the qualified voters therein having first given their consent, to repair and improve the male and female academies in said town, and make any arrangement or contract with the trustees of said academies that may be necessary to effect this purpose.

Academies.

SEC. 31. *Be it further enacted*, That if any person shall wilfully demolish, destroy, burn, deface, injure or damage either of the academies, male or female, now in the town of Lincolnton, the person shall be deemed guilty of a misdemeanor, and upon conviction thereof in the superior court, shall be punished by fine or imprisonment, or both, at the discretion of the court.

Penalty for injury to academies.

Ratified the 3d day of March, A. D. 1871.

CHAPTER XXXIII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE BETTER
GOVERNMENT AND REGULATION OF THE TOWN OF HERTFORD,
IN PERQUIMANS COUNTY.

Repeal of part of
act of January,
1843.

SECTION 1. *The General Assembly of North Carolina do enact*, That so much of section one, chapter seventy-six, of the laws of one thousand eight hundred and forty-two and one thousand eight hundred and forty-three, entitled an act for the better government and regulation of the town of Hertford, in Perquimans county, ratified the twenty-first day of January, anno domini one thousand eight hundred and forty-three, as requires that one of the three commissioners for said town shall be an acting justice of the peace for the county of Perquimans, be and the same is hereby repealed.

SEC. 2. That section eight of the aforesaid act be and the same is hereby repealed.

SEC. 3. That section nine of the aforesaid act be so amended as to read as follows: "That to attain the purpose of this act, the board of commissioners shall have power annually, when they deem necessary, to lay a tax on all the persons and property within the limits of said town; *Provided*, That said tax shall in no one year amount to more than one dollar on every poll, and thirty cents on every hundred dollars valuation.

When act to be in
force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1871.

CHAPTER XXXIV.

AN ACT TO CHARTER THE CITIZENS BANK.

SECTION 1. *The General Assembly of North Carolina do enact*, That a bank be established in the city of Greensboro', county of Guilford, state of North Carolina, to be styled "The Citizens Bank," the capital stock of which shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and for receiving subscription to said stock, books shall be opened at Greensboro' on the first day of April, one thousand eight hundred and seventy-one, and remain open for the space of thirty days, under the supervision as commissioners, of Wm. A. Caldwell, Calvin N. McAdoo, Thos. M. Owen, and Madison W. Smith, or a majority of them; that one-half of such shares shall be paid to the commissioners above named at the time of subscribing, and that the remainder shall be paid on the first day of May, one thousand eight hundred and seventy-one, and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of eight per cent. per annum, and his or her stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficient instalment, and he shall be held responsible for the same at the option of the bank, and the balance, if any, of such sale, be paid over to said subscriber.

Corporate name.

Capital stock.

Shares.

Books of subscription.

SEC. 2. That as soon as two hundred shares shall be taken in the stock of said bank, and twenty thousand dollars paid to the commissioners who keep the books, the stockholders may meet at any time and place they may appoint. If those or their agents who have a majority of votes according to the votes hereafter described, be present, (if not, another meeting shall be called,) they shall proceed to the election of three directors, who shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors. The

Meeting of stockholders.

Directors.

said directors shall remain in office until the first Monday in April, one thousand eight hundred and seventy-two, or until their successors shall be elected and enter upon the discharge of their duties, and said directors shall elect one of their number to be president during their term of office.

President.

By-Laws, etc.

SEC. 3. Said president and directors shall and may adopt and use a common seal, and alter the same at pleasure, may make and adopt proper and necessary by-laws for their government, may appoint all necessary officers and agents, fix their compensation, and take bond and security for the faithful discharge of their duties, prescribe the manner of paying for stock and transfer thereof. Said bank shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity, except for taxes, and shall pay to the state an annual tax on each share of one hundred dollars, a sum equal to that charged by the state on other property of the same value.

Banking and
other privileges.

SEC. 4. That said bank may discount notes and other evidences of debt, receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin and bullion, and purchase and hold a lot of ground for a place of business, and may at pleasure sell or exchange the same, and may hold such real or personal estate and property as may be conveyed to secure debts, and may sell and convey the same. It may receive on deposit any and all sums of money, on terms to be agreed upon by the officers and depositors. Minors, apprentices, and *feme coverts* may therein and control the deposit so made, for their own separate use, free from all other control or contract whatever, and may receive on deposit, moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor, bearing such rates of interest as may be agreed upon by the officers of the bank and depositors, not to exceed the legal interest, which certificates shall be assignable and transferable, under such regulations as may be prescribed by the president and directors, and all certificates or evidences of deposit, signed

by the proper officers of the bank, shall be as binding as it under the seal of the bank.

SEC. 5. The president and directors shall annually appoint the time and place of holding the election of their successors, and two of their number shall attend and conduct said election, each share being entitled to one vote, and that the directors of the bank shall be allowed to open the subscription books from time to time at their discretion, until the whole of the stock shall be taken. Annual election.

SEC. 6. This act shall be in force and effect from and after the date of its passage. When act to be in force.

Ratified the 4th day of March, A. D. 1871.

CHAPTER XXXV.

AN ACT TO REVISE AND AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE BLADEN MANUFACTURING COMPANY, RATIFIED TWENTY-SIXTH JANUARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

SECTION 1. *The General Assembly of North Carolina do enact*, That Joseph C. Abbott and George Z. French, corporators named in the above recited act, and their associates, successors and assigns, are authorized and empowered to have, use and enjoy all the power, franchises and privileges in the said act recited, and for the period therein limited. Corporators.

SEC. 2. That in addition to the names of Joseph C. Abbott and George Z. French, the names of John D. Currie, Benjamin Wooten, James Cashwell and Henry S. Servoss, be added as corporators in the said act. Additional corporators.

SEC. 3. That all acts in conflict with this act be and the same are hereby repealed, and this act shall take effect from and after its ratification. Repeal.
When act to take effect.

Ratified the 4th day of March, A. D. 1871.

CHAPTER XXXVI.

AN ACT TO INCORPORATE THE PERQUIMANS SAVINGS BANK.

Corporators. SECTION 1. *The General Assembly of North Carolina do enact*, That William R. Shannonhouse, D. P. Doughtry, James Newbold, Thomas H. Gilliam, and James C. Skinner, and such other persons as may be associated with them, and their successors, be and are hereby created a corporation

Corporate name. and body politic, by the name and style of the Perquimans Savings Bank, in the town of Hertford, North Carolina; and by that name may hold and possess property, both real and

Privileges. personal, sue and be sued, plead and be impleaded in any of the courts of this state, and have perpetual succession and a common seal, which they may alter at pleasure.

Directors. SEC. 2. That William R. Shannonhouse, D. P. Doughtry, James Newbold, Thos. H. Gilliam, James C. Skinner, shall be and continue directors of said corporation until the first Monday in June, one thousand eight hundred and seventy-one, at which time a general meeting of the stockholders shall be held in the town of Hertford, and a majority of the stock of said corporation being represented by the members owning the same, either by person or proxy, seven directors shall be chosen to manage the affairs of the corporation for twelve months, and until their successors shall be chosen; and the directors shall be annually elected at such time and place, and under such rules and regulations as in the by-laws may be directed and prescribed; and the directors shall elect one of their number president for one year, and shall elect another of their number vice-president for the same period, and if vacancy shall in any way occur in the directorry, they shall fill the same by choosing some member to be a director until the next annual meeting of the stockholders; and a majority of the directors shall constitute a quorum for the transaction of business.

Treasurer and other officers.

SEC. 3. That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier,

and all such officers, agents and servants as they may deem necessary, to conduct and expedite the affairs of the corporation, fix their compensation, and remove them at pleasure, to provide for taking bonds payable to said corporation, with security to be by them in such sums as they may deem necessary from any or all officers, agents or servants appointed by them, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss; to regulate the terms of making and securing deposits, the manner of transferring stock in said corporation; to provide for the investment of funds of said corporation in such manner as they shall deem most safe and beneficial; to provide for the admission of members, and furnishing proof of such admission; to provide for paying all necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the said by-laws to alter or repeal; *Provided*, That all such by-laws as may be made by the directors may be altered or repealed by a majority of the stockholders at any general meeting, and the stockholders may, at any general meeting, pass by-laws, which shall be binding on the directors; *And, Provided further*, that the by-laws shall not be contrary to the laws of this state, or of the United States.

Business regulations.

By-Laws.

SEC. 4. That the said corporation shall have power to receive from any person or persons, or corporate bodies, any deposit of money, and all money's so received shall be invested in public stocks or other securities at the discretion of the directors, in the manner deemed most safe and beneficial; *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note, or any other devise in the nature of and intended to pass as a bank note.

Deposits of money.

SEC. 5. That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay the amount of such certificate at such time, with such interest and on such terms as may be agreed upon between

Certificates of deposit.

the depositor and the directors, and under such regulations as the directors may from time to time prescribe, which regulations shall not be altered so as to affect any one who was a depositor previous to such alterations; and all certificates or evidences of deposit issued by the proper officers shall be as effectual to bind the said corporation as if under the seal thereof, and the directors, when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

Failure to return]
deposits.

SEC. 6. That if upon demand of payment of any certificate of deposit issued as prescribed in section five, the proper notice having been given, and terms of deposit complied with by the depositor, the same shall be refused or neglected, the corporation shall pay to the owner of such certificate two per cent. damages upon the amount thereof, over and above the interest on the same; the amount of which certificate, damages and interest, shall be recoverable before any jurisdiction having cognizance of the same.

Deposits by wo-
men and minors.

SEC. 7. That said corporation shall have power to receive deposits of money or other evidences of debt from minors and married women, in their own name, and to their own separate use, and said corporation may pay to such depositors, from time to time, all such sums as may be due them, according to the purposes of this charter, and the receipts of such minors and married women shall be valid acquaintances in law and in equity without the intervention or assent of either parent, guardian or husband.

Capital stock.

SEC. 8. That the capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and each member shall contribute once a month for the space of three years, not less than one or more than ten dollars.

Shares.

Discounts and
loans.

SEC. 9. That in all discounts or loans made by said corporation the interest shall be paid in advance at the time the money is loaned.

Semi-annual ex-
amination of
books.

SEC. 10. That a committee of five shall be appointed once in six months to examine the books of said corporation, and report fully the general condition of the same, which report

shall be spread upon the minutes of the directory and shall at all times be open to examination of any member of the corporation.

SEC. 11. That certificates of stock in said corporation shall be issued to each member when his contribution shall amount to as much as one share in the same, and to all persons who may take stock therein in shares of fifty dollars each, for the number of shares owned, contributed or taken by them; and new members may be admitted upon such terms as may be prescribed by the by-laws. Certificates of stock.

SEC. 12. That the directors of said corporation shall declare a dividend of the profits of the same after paying all expenses, either annually or semi-annually as they shall think best. Dividend and profits.

SEC. 13. That the said corporation shall continue until the year nineteen hundred and twenty. Corporate term]

SEC. 14. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 4th day of March, A. D. 1871.

CHAPTER XXXVII.

AN ACT TO INCORPORATE THE TOWN OF WILKESBORO'.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be the duty of the sheriff of Wilkes county to give notice by advertisement, at the court house in Wilkesboro', for the space of ten days, that he will proceed on the first Monday in May next, and in like manner on the same day in each and every year thereafter, to hold an election for five commissioners of said town, who, when elected, shall hold their office for one year and until their successors are elected; and all qualified voters for members of the House of Representatives, who have been residents of said town for thirty days immediately preceding the day Sheriff to hold election.

of election, shall be permitted to vote for town commissioners; and all such elections shall be by ballot, and voters shall designate on their ballots one member as a magistrate of police, who shall be chairman of the board when met for the transaction of business, and in case of a tie between any two commissioners for the appointment of magistrate of police, the sheriff shall give the casting vote.

Eligibility to office.

SEC. 2. That no person shall be eligible to serve as commissioner of said town unless he shall be at the time of an election, and have been for thirty days immediately preceeding the same, a resident of said town and qualified elector of the State.

Failure of sheriff to hold election.

SEC. 3. That in case the sheriff of Wilkes county shall fail to hold an election for town commissioners as aforesaid, he shall forfeit and pay the sum of five dollars, which may be recovered by the board of commissioners by warrant before any justice of the peace in Wilkes county, and when so recovered shall be applied to use and benefit of the town, and in case a failure by the sheriff to hold the election as aforesaid, it shall be lawful for any two freeholders residing in said town to give the notice aforesaid, and to hold an election at such times thereafter as they may appoint, which election so held shall be as valid as if held by the sheriff.

Vacancies.

SEC. 4. That in case of vacancy occurring in said board from any cause, the remaining members shall have power to fill the same by the appointment of another qualified person or persons who shall serve until the next succeeding election.

Meetings and powers of commissioners.

SEC. 5. That at all meetings of the commissioners aforesaid, it shall require a majority to act, and they shall have full power and authority to enact all laws and ordinances which they may deem necessary and proper for the internal police, good order and well being of said town, to improve the streets and to protect and improve the public square, to abate all nuisances and to remove all obstructions from the public grounds belonging to said town, and for all other such purposes as they may deem advisable for the prosperity and advancement of said town; *Provided always*, That the said

laws and ordinances be not inconsistent with the laws and constitution of the state.

SEC. 6. That the commissioners shall have power, if they deem it necessary, to levy a tax not exceeding thirty cents on each poll, and ten cents on every hundred dollars value of real estate in said town; also to impose such moderate and reasonable tax on peddlers and retailers of all kinds, and upon capital in trade within the same as they may deem just, to affix penalties and forfeitures for violation of their laws and ordinances, and to enforce the collection of the same, which taxes, forfeitures and penalties, when collected, shall go to the exclusive use and benefit of the town, and shall be appropriated to the improvement of the streets, sidewalks, public squares, or in such other mode as the said commissioners may deem best to promote the health, comfort, prosperity and advancement of the same.

Taxes, fines and penalties

SEC. 7. That the said board of commissioners shall have power to appoint a town treasurer and secretary of their board, and also a town constable; which latter officer shall have all the powers and be under all the restrictions and liabilities of other constables of the state; he shall also have power to collect all fines, forfeitures and penalties imposed by the town laws and ordinances, and all taxes levied by the said commissioners; and for that purpose shall be empowered to use all lawful ways and means now used and exercised by sheriffs in the collection of public taxes; and in case the said constable shall fail to account for and pay over to the town treasurer all public money coming into his hands by virtue of his office as town constable aforesaid, at such period as the town ordinances may require, he shall and may be proceeded against as other constables now are, for failing to pay over money coming into their hands by virtue of their office; and shall, in addition thereto, forfeit and pay double the sum collected, and which he has thus failed to pay over, which forfeiture shall go to use and benefit of the said town.

Treasurer, &c.

Collection of taxes.

SEC. 8. That whenever the said commissioners may deem it necessary and proper, they shall require the citizens of said town to give in their property and persons for taxation, un-

Listing property.

der such rules and regulations as they may by ordinance prescribe.

Publication of laws and ordinances.

SEC. 9. That before any of the laws and ordinances enacted or ordained as aforesaid shall take effect, they shall first be published for the space of thirty days by public advertisement at the court house and one other place in said town, and the commissioners shall have power to make such reasonable compensation to the secretary of the board for his services as they may deem just, which shall be paid out of the town fund.

Work on public streets.

SEC. 10. That the commissioners aforesaid may, if they deem it necessary, require all persons living within said town who are liable to work on public roads, to perform such number of days work, (not exceeding five in any one year,) on the streets of said town as they may think proper; and for a failure to perform such duty, the commissioners shall have power to impose such penalties as they may deem requisite and necessary, not exceeding those now fixed by law for a failure to work on public roads.

Powers of magistrate of police.

SEC. 11. That the magistrate of police as aforesaid shall have power to issue process to compel the attendance of witnesses in all such cases, and generally to do and perform all such acts and things as magistrates of police aforesaid in the trial and adjudication of cases brought before him as justice of the peace under the existing laws might or could; *Provided however*, That the said magistrate of police, if he be not a justice of the peace for Wilkes county, shall first take and subscribe an oath of office that he will honestly and impartially, to the best of his ability, discharge the duties of magistrate of police for the town of Wilkesboro' aforesaid.

Corporate limits.

SEC. 12. That the corporate limits of the town of Wilkesboro' be as follows: Beginning on the south bank of the Yadkin river at the terminus of the fence between C. J. Cowles and J. W. Pedon, running south to the top of the ridge west of the Episcopal church, continuing the same direction to a large oak on the side of the road above J. S. Call's blacksmith shop, thence south to the first branch; thence down said branch to Cub creek, thence with the meanderings of

Cub creek to the ford of said creek at the fence between A. S. Reansaw and A. H. Brown, thence north with said fence to the road, continuing the same direction to the bank of the Yadkin river, thence west with the meanderings of said river to the beginning.

SEC. 13. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 4th day of March, A. D. 1870.

CHAPTER XXXVIII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the present board of aldermen of the city of Charlotte shall have power to levy taxes for city purposes for the current year. Taxation.

SEC. 2. That said tax shall be levied on all real and personal property, trades, licenses and other subjects of taxation, as provided in section three of article fifth of the state constitution; *Provided*, That nothing herein contained shall prevent the levy of a poll tax as provided by law. What may be taxed.
Proviso.

SEC. 3. That all persons liable to taxation in said city shall make returns to the clerk and treasurer as provided in sections sixteen and seventeen of the charter of said city, under the penalties prescribed in the last named section. Listing taxables.

SEC. 4. That all laws in conflict with this act be and they are hereby repealed. Repeals.

SEC. 5. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 28th day of February, A. D. 1871.

CHAPTER XXXIX.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN
TWO MILES OF ANTIOCH CHURCH IN ROBESON COUNTY.

Sale of spirituous
liquors prohibited

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to sell spirituous liquors within two miles or less of Antioch Baptist Church in the county of Robeson; and persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction, shall be fined and imprisoned at the discretion of the court.

When act to be in
force.

SEC. 2. This act shall be in force from and after the day of its ratification.

Ratified the 2d day of March, A. D. 1871.

CHAPTER XL.

AN ACT TO INCORPORATE THE FAYETTEVILLE INDEPENDENT
BUCKET COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Edw. P. Powers, Kendal McMillian, S. S. Arey, jr., and such other persons as now are or hereafter may become members, not exceed fifty in number, be and they are

Corporate name.

hereby created and declared a body politic and corporate, by the name and style of the "Fayetteville Independent Bucket Company," and shall by that name sue and be sued, plead and be impleaded in any and all courts of law, and shall have perpetual succession and a common seal, and may purchase, hold and transfer real and personal estate as may be necessary and convenient for the purposes of their association; and for their government may make all necessary by-laws, rules and regulations not inconsistent with the con-

Powers and privi-
leges.

stitution and laws of this state or the United States, and shall have and enjoy all other rights, privileges and franchises which belong to bodies corporate and politic.

SEC. 2. The officers of such corporation shall be fixed by the by-laws of the same, shall be elected annually, and shall hold office until their successors are appointed and qualified. Officers.

SEC. 3. That said corporation is empowered to impose fines and penalties to secure prompt and efficient services from its members. Fines and penalties.

SEC. 4. The members of said corporation shall be exempt from poll tax to the municipal authorities of the town of Fayetteville from the ordinary militia duty, and from serving on juries. Exemption from poll tax, etc.

SEC. 5. This act shall be in force from and after its ratification, and shall so continue for the space of thirty years. When act to be in force.

Ratified the 2d day of March, A. D. 1871.

CHAPTER XLI.

AN ACT TO REPEAL CHAPTER SEVENTY-SIX, OF PRIVATE LAWS OF EIGHTEEN HUNDRED AND SIXTY-NINE, AND EIGHTEEN HUNDRED AND SEVENTY.

SECTION. 1. *The General Assembly of North Carolina do enact*, That chapter seventy-six of the private laws of eighteen hundred and sixty-nine, and eighteen hundred and seventy, be and the same is hereby repealed. Repeal.

SEC. 2. That this act be in force from and after its ratification. When act to take effect.

Ratified the 3rd day of March, A. D. 1871.

CHAPTER XLII.

AN ACT TO INCORPORATE THE TOMOLTA IRON COMPANY,

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Arthur A. Campbell, Joseph Kinsey, Richard H. Collins, H. A. V. Post and Vol. P. Collins, their associates and successors and assigns, are hereby constituted and declared to be a body politic and corporate for ninety-nine

Corporate name.

years, by the name, style and title of "The Tomolta Iron Company;" and by such name and title shall have continual succession for said term of years, and be capable of

Rights and privileges.

suing and being sued, impleading and being impleaded, contracting and being contracted with, and may buy, sell, exchange, receive in payment of stock, subscription, mortgage, lease, hold, enjoy and retain in its corporate name all such lands, (not exceeding at one time twenty thousand acres) rents, tenements, hereditaments, machinery, goods, chattels and effects, reserving rights and rights of way, as they may choose or may deem necessary and convenient for the working of iron, ore or gold or other mines for smelting or manufacturing of iron and other ores or minerals on the land they now own in Cherokee county or any other to which they may acquire title; may erect and work all necessary mills, furnaces, foundries, bloomeries, dams, flumes or other water power; may build branch railroads, turnpikes or tramroads, (and for that purpose shall have power of condemnation of land and other property, and the other powers conferred on railroads and other companies in the sixty-first chapter of the revised code,) to connect any of their works or mines with each other, or with any river or stream, or with any railroad now chartered, or which may be chartered; and such railroad is hereby authorized to construct the same; may buy and sell goods, wares, merchandize; may lay off town lots, streets and alleys, and extend the boundaries thereof at pleasure; may establish or authorize the establishment of manufactories and mills of

all kinds for manufacturing extracts from bark, quercitron bark, potash, pearlash, spokes, shooks, lumber and any other product or growth of the soil, mines or earth; may have a common seal and alter the same at pleasure, and establish by-laws, rules and regulations not inconsistent with the constitution of the state of North Carolina. Only written contracts, when signed by the president and secretary in the name of the company and sealed with its corporate seal, or by its agent thus fully or specially authorized, shall be binding and obligatory on the company.

SEC. 2. The capital stock (which may be increased to not exceeding double said amount, the holders of three-fourths of the stock consenting thereto in writing) shall be three hundred thousand dollars, one-fifth of which shall be reserved for a working capital with which to open, develop and equip the mines and works; the shares to be of one hundred dollars each, may be sold and transferred in such manner as the directors may deem expedient. Power is given to issue and endorse bonds, and to secure the same by mortgage. Capital stock.

SEC. 3. The principal office of said company shall be in the city of Cincinnati, Ohio, but the holders of three-fourths of the stock agreeing in writing, may change it to any other city. Principal office.

SEC. 4. The affairs of said company shall be managed by a board of five directors, three to be a quorum, authorize to exercise all the powers herein granted and not specially limited. The corporators above named, shall constitute such first board, to continue in office one year and until their successors are legally elected and qualified. They shall choose one of their number president, and may require of their officers, agents or servants, satisfactory bond for the faithful discharge of their duties. Directors.
President.

SEC. 5. All corporations, through their chief authorities, may take stock in this company, and any such subscription or purchase of stock shall be as valid as if this power were specially granted in their charters. Corporate subscriptions.

Separate organizations.

SEC. 6. A separate and distinct interest of each tract of land, mine or lease, may be created under some name to distinguish the same and may organize hereunder and enjoy either as a separate or branch interest, all the rights and privileges named in the foregoing section of this act.

When act to be in force.

SEC. 7. This act shall be in force from its ratification. Ratified the 7th day of March, A. D. 1871.

CHAPTER XLIII.

AN ACT TO INCORPORATE STATESVILLE SEMINARY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That T. A. Allison, W. W. Pharr, S. C. Miller, E. F. Rockwell, J. H. Hill and their associates, heirs and assigns are hereby constituted a body politic and corporate for the term of ninety-nine years, under the name and style of "The Proprietors of Statesville Seminary," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase, hold and dispose of such real and personal property as may be needful for carrying on an institution of learning at Statesville, in the county of Iredell, and have all the other rights and powers usually pertaining to corporations created for similar purposes.

Corporate name.

Capital stock.

Shares.

SEC. 2. That said corporation shall be allowed to have a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, and the individuals named in the preceding section are empowered to open books for receiving subscriptions of stock at such times and places, and under such regulations as they may deem expedient; and when as much as five thousand dollars of stocks shall have been subscribed and paid in, said corporation may proceed to organize by the election of a president, vice-president, secretary and treasurer with such duties pertaining to said officers as the corporation may direct and prescribe, said officers to be

elected annually thereafter, but to hold until successors are chosen and qualified. After the organization of the corporation it may take the full control and have the regulation of all matters in reference to receiving subscriptions of stock therefor.

SEC. 3. That said corporation may in its discretion have power to elect annually a board of directors consisting of not over eight persons, and to assign to said board such privileges, powers and duties as may be deemed expedient in regard to managing the affairs of the corporation, and of the seminary under its proprietorship; and said corporation may make all needful rules, regulations and by laws, and take all such lawful steps as may be necessary for establishing and maintaining in operation a literary institution of high grade, by the name of Statesville Seminary.

Directors.

By-Laws.

SEC. 4. That all meetings of said corporation, when a vote is being taken in any election or upon any subject, it shall be a stock vote if any member demands it previously to the putting of the question, and each member shall cast as many votes as he holds shares of stock, in person or by proxy, and a majority of stock shall be represented either in person or by proxy to constitute a quorum. The corporation may fix the proper forms for appointing proxies in its by-laws, and may make by-laws and regulations needful for its own government and the management of its affairs.

Stock vote.

SEC. 5. The said corporation may dispose of any profits arising from its business, either by declaring dividends on its stock, or by employing the same in improving, enlarging and maintaining the seminary; and said corporation may at any time voluntarily dissolve itself by the vote of a two-thirds majority, and make an equitable division of its property among the stockholders, either by vote or otherwise, in its discretion.

Disposition of profits.

SEC. 6. That this act shall take effect from after and its ratification.

When act to take effect.

Ratified the 7th day of March, A. D. 1871.

CHAPTER XLIV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT AUTHORIZING THE
INCORPORATION OF HOMESTEAD AND BUILDING ASSOCIATIONS
IN THIS STATE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled "an act authorizing the incorporation of homestead and building associations," ratified the twenty-fifth day of March, anno domini one thousand eight hundred and seventy, be and the same is hereby amended by striking out after the word "rate" in the fifteenth line the word "six," and inserting in lieu thereof the word "eight."

When act to be in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1871.

CHAPTER XLV.

AN ACT TO INCORPORATE THE PENNSYLVANIA AND NORTH CAROLINA LAND AND LUMBER COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Daniel K. Houtz, Robert D. Carey, William H. Cary, Samuel Shock, Charles H. Bulkley, Seth W. Johnson and such other person or persons as may hereafter associate with them, they, their successors, associates or assigns, be and they are hereby created a body politic and corporate, under the name and style of the Pennsylvania and North Carolina Land and Lumber Company, for the purpose of getting, manufacturing and shipping shingles and lumber, farming, merchandizing, owning, buying or selling real or personal estate, or building and improving in the counties of Brunswick, Columbus and New Hanover, or either of them,

Name.

Powers and privileges.

in the state of North Carolina; and by that name they and their successors and associates shall have a common seal. shall be capable of suing and being sued in all the courts of this state and the United States, with power to make by-laws for its government not inconsistent with the laws of the state, provide for the election of directors and other officers, and shall have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid, and the same to sell, convey or otherwise dispose of, and shall possess and enjoy all the privileges and rights of a corporation or body politic.

SEC. 2. That the capital stock of said company shall be Capital stock.
 three hundred thousand dollars, (\$300,000,) in shares of one hundred dollars (\$100) each, and the said company shall Shares. }
 have authority to increase the said capital to five hundred thousand dollars, (\$500,000,) in shares of like amount, provided a majority of the stockholders shall so determine at a meeting to be held in the city of Philadelphia, State of Pennsylvania, for that purpose, of which meeting and of all meetings of the stockholders, regular or occasional, which may be held, twenty days previous notice printed or written, shall be given to each stockholder, and such notice mailed to the address of each stockholder, twenty days before such meeting, shall be deemed sufficient and legal notice.

SEC. 3. That the subscriptions to the capital stock of said Subscriptions to stock.
 company shall be made at such time and place, and in such manner as the said Daniel K. Houtz, Robert D. Carey, William H. Carey, Samuel Shock, Charles H. Bulkley and Seth W. Johnson, or a majority of them, shall designate; and the stockholders shall be entitled at all meetings of the stockholders, to one vote for each share so held, by person or by proxy, and the shares of said capital stock shall be assignable and transferable as may be provided for by the by-laws of said company, and shall be considered as personal property.

SEC. 4. That the affairs of said company shall be managed Directors.
 by a board of six directors, who shall be chosen annually by the stockholders, which board shall choose one of their num-

President.

ber to be president, and the president and directors thus chosen shall serve for one year and until others shall be elected as shall be provided for by the by-laws of the corporation, and until the first election of directors shall be held, the said Daniel K. Howtz, Robert D. Carey, William H. Carey, Samuel Shock, Charles H. Bulkley and Seth W. Johnson, or a majority of them, shall have full power and authority to exercise all the corporate powers of said company, and the president and directors, and their successors or a majority of them, shall have full power and authority to manage the affairs of said company, under such powers as may be given them by the by-laws of the company, and in case of any vacancy in the office of president or director, happening from any cause, such vacancy may be filled by the appointment of the board of directors from among the stockholders, until the next annual meeting of the stockholders, but no one shall be eligible to the office of director who is not the owner of at least forty shares of the stock of said company.

First meeting.**Organization.**

SEC. 5. That within thirty days from and after the ratification of this act the said parties named in first section hereof, shall call a meeting of the stockholders at such time and such place in the city of Philadelphia, state of Pennsylvania, as they may designate, first giving twenty days notice in the mode and manner hereinbefore provided, to organize the company and to elect directors, and the persons so elected shall hold their office until the next regular annual meeting, or until their successors shall be chosen, also to elect a secretary and treasurer, neither of whom shall be a director, which person or persons so elected shall hold office for such term and in such manner as may be prescribed by the by-laws of the company. At this first meeting a majority of all the shares subscribed shall be represented in person or by proxy, and if a sufficient number do not attend, then those who do attend may adjourn from time to time until a majority be represented. At this meeting the stockholders may determine what amount of stock shall thereafter be necessary to constitute a quorum for the transaction

of business in the regular or occasional meetings of stockholders or directors, and may enact all such by-laws and regulations as may be necessary for the government of the corporation and the transaction of business.

SEC. 6. That the stockholders shall meet annually on the second Wednesday of January in each and every year at such place in the city of Philadelphia, State of Pennsylvania, or the city of Wilmington, State of North Carolina, as the by-laws may fix. The board of directors of said company may call a meeting of the stockholders whenever they may deem it necessary, and they may be required to call such meeting when a written application shall be made to them for that purpose by persons representing one twentieth part of the stock of said company, which meeting shall be held in the city of Philadelphia, State of Pennsylvania, or in the city of Wilmington, State of North Carolina, and twenty days notice shall be given, in the mode hereinbefore provided, of the time, place and object of such meeting.

Annual meetings.

Special meetings.

SEC. 7. That there shall be four meetings of the directors of the company, to be held in the city of Philadelphia, State of Pennsylvania, on the second Wednesdays of January, April, July and October in each year, and if a quorum shall not be present on the days named, then those who do attend may adjourn from time to time until a quorum may be had.

Meetings of directors.

SEC. 8. That the said corporation is hereby authorized to execute, issue and deliver to any person or persons, trustee, body politic or corporate, bonds for the payment of money with or without interest, coupons attached, bearing a legal rate of interest, in denominations of one hundred dollars, five hundred dollars or one thousand dollars, payable at such time or times as it may determine, and to sell and dispose of such bonds, for such price or consideration as said company may think proper; and to make such bonds convertible, and to provide for their conversion into the capital stock of the company at such rate and upon such terms as the said company may think proper, and to secure the payment of such bonds by one or more deeds of trust or mortgages upon the real estate and other property and franchises

May issue bonds.

of said company ; which said bonds shall be of such denominations, and payable at such time, and authenticated in such manner as the directors of said company may deem best.

Record of proceedings.

SEC. 9. That it shall be the duty of said company to keep a full record of their proceedings in a book provided for that purpose.

Semi-annual dividends.

SEC. 10. That dividends of so much of the profits of said company as may be deemed advisable by the president and directors shall be declared semi-annually on the second Wednesdays of January and July of each year, but in no case shall such dividends exceed the amount of the nett profits of said company, so that the capital thereof shall not be impaired or diminished thereby.

Company may connect by railroads or canals with sea coast.

SEC. 11. That said company, in order to connect their operation with the sea coast, are authorized to make any roads, railroads or canals, so as to make a connection between Waccamaw Lake or any point on Waccamaw river, with the Cape Fear river and with the sea coast at any point between the town of Smithville and the boundary line, between North and South Carolina ; and also are authorized to open and keep open any water courses running from Waccamaw Lake or from the Green Swamp to the Cape Fear river, or emptying into the ocean between Smithville and the said boundary line ; particularly to open and keep open Livingston creek, town creek, Lockwoods Folly river and Shallotte river ; *Provided*, That Livingston creek is not diverted from its natural channel north of the point where it is crossed by the Wilmington, Columbia and Augusta rail road.

Condemnation of land, &c.

SEC. 12. That whenever any land or rights of way shall be needed by said company for the purpose of making said railroads or canals, if the parties cannot agree, the same may be taken at a valuation to be made by a commission of five freeholders, to be chosen, two by the company and two by the owner of the land, and the persons so chosen shall choose the fifth to form the commission ; and if the owner of the land after five days written notice shall fail or refuse to name two commissioners, then the same

shall be appointed by any two justices of the peace of the county in which the land lies, which valuation made on oath; shall be returned to the register of the county to be recorded on payment of the valuation, or in case the owner does not reside in the county, or in case of tender to him and refusal, on deposit of the same in the office of the clerk of the Superior court, of which the clerk's receipt shall be evidence, the said land or right of way shall vest in the company so long as it shall be used for the purposes thereof; either party may appeal to the superior court from the decision of the commissioners, but such appeal shall not hinder or delay the company from carrying on its work. Ten days notice of the time and place of the meeting of the commissioners shall be given, or if the owner of the land does not reside in the county, then ten days advertisement in some newspaper published in the city of Wilmington. The right of condemnation shall not, except for materials for construction, include more than sixty feet on each side of the centre of the road or canal.

SEC. 13. That the corporation hereby created shall exist for thirty years; and this act shall be in full force and effect from and after its ratification. When act to take effect.

Ratified the 8th day of March, A. D. 1871.

CHAPTER XLVI.

AN ACT TO INCORPORATE THE TRUSTEES OF AUGSBURG MALE AND FEMALE ACADEMY.

SECTION 1. *The General Assembly of North Carolina do enact,* That Daniel F. Clapp, William A. Coble, Peter Fogleman and T. Green Wharton, and their successors, are hereby created and constituted a body politic and corporate under the name and style of "The Trustees of Augsburg Academy," and in that name may sue and be sued, plead and be im- Corporators.
Name.

**Objects, rights
and privileges.**

pleaded, contract and be contracted with, purchase and hold in their corporate capacity, such real and personal property as may be necessary and suitable for maintaining a school of high grade for boys and girls, at or near Brick church, in the county of Guilford, with power to make all needful rules, by-laws and regulations for their own government and the government of the academy; and under such name and style, shall have continual succession for the period of fifty years.

Board of trustees.

SEC. 2. That said board of trustees may at their option, ~~increase their number, by choosing others not to exceed eight (8), and may likewise fill all vacancies occurring there-~~ in, and may have all the corporate powers of trustees of like institutions.

**When act to be in
force.**

SEC. 3. That this act shall be in force from its ratification. Ratified the 11th day of March, A. D. 1871.

CHAPTER XLVII.

AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF
TARBORO' TO LEVY A TAX.**Objects of tax.**

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the town of Tarboro' shall have power to levy such a tax on the real and personal estate in said town, as they may deem necessary, not exceeding one-half of one per cent. on the assessed value of said real and personal estate for the purpose of raising money to purchase such apparatus as they may consider most suitable for the protection of the buildings and other property in said town against fire.

SEC. 2. That the said tax shall be levied and collected as the other taxes laid by said commissioners; and the money raised thereby shall be applied by said commissioners to the

purchase of the necessary apparatus for the protection of the buildings and other property in said town against fire.

SEC. 3. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 11th day of March, A. D. 1871.

CHAPTER XLVIII.

AN ACT TO INCORPORATE THE PEOPLE'S BUILDING AND LOAN ASSOCIATION OF ASHEVILLE.

SECTION 1. *The General Assembly of North Carolina do* Corporators.

enact, That Robert B. Vance, E. J. Aston, W. D. Rankin, E. Sluder, Thomas D. Johnston, A. E. Hall, William Johnston, G. M. Roberts, A. T. Summey, B. J. Smith, N. W. Woodfin, James S. Kennedy, M. L. Neilson, W. L. Hilliard and John E. Ray, and all other persons who may hereafter be associated with them and their assigns, are hereby constituted a body politic and corporate, in the name and style of the People's Building and Loan Association of Asheville, Name. for the purpose of accumulating, and with power to accumulate a fund to enable its respective members to purchase houses and lots, erect buildings, improve lands, and remove incumbrances from real estate, and for the further purpose of distributing among the members who do not receive aid by advances on their shares for objects aforesaid, their proper dividend of the fund so accumulated in moneys, and as such shall have power to hold and convey real estate, sue and be sued, plead and be impleaded, make, have and use a common seal, and generally to have such powers as may be necessary to carry out the objects of the association. Powers and privileges.

SEC. 2. The number of shares of stock in said corporation shall not be less than five hundred, and shall not exceed four thousand, and the ultimate or par value of each share shall be two hundred dollars, and the said corporation may Shares.

commence business when one dollar shall have been paid in upon each share of stock subscribed.

Officers.

SEC. 3. The officers of said association shall consist of a president, vice president, secretary, treasurer and nine directors, of whom the president shall be one, and an executive committee of three, selected from said board, who shall be chosen at such time and in such manner, hold their respective offices for such terms, and be governed by such regulations as the by-laws of said association may prescribe.

By-Laws.

SEC. 4. It shall be lawful for the corporation to make and put into execution such by-laws not inconsistent with the constitution and laws of this state or of the United States, as may be necessary and convenient for the regulation and management of their affairs.

Payments of subscriptions.

SEC. 5. The board of directors shall have power to call in and demand from the stockholders respectively the sums of money subscribed by them, at such time and in such payments as the by-laws shall prescribe, and for failure to pay such sums, the by-laws may provide for penalty by fine not to exceed the value of the stock.

SEC. 6. When any subscription to the stock of said corporation shall be made after it shall have commenced business, such subscriber may be required to pay a sufficient sum to make his payment upon his stock equal to the payment of the original members, with accrued premiums.

Shares held for minors and *femes covert*.

SEC. 7. Parents may hold shares in said corporation for the use of their minor children; and *femes covert* may hold for their separate use shares in said corporation, exempt from the debts or contracts of their husbands.

Corporation, how long to exist.

SEC. 8. Said corporation, unless sooner dissolved by a vote of a majority of the stockholders in number and value, shall continue in being until the fund accumulated, including shares redeemed and all property and other effects shall amount to such a sum as will enable the association to distribute on each share a sum equal to the par or ultimate value of the unredeemed shares: *Provided*, That upon such distribution, if the said association so elect, it shall have power to re-com-

mence business by new subscription of stock with the privileges and upon the conditions prescribed in this act.

SEC. 9. It shall be lawful for said corporation to loan May loan money. money to its members to an amount not exceeding the par or ultimate value of the respective shares subscribed for by such member; and no member shall own at any time more than fifty shares of stock. In case different stockholders shall compete for a loan of money, it shall be lawful for said corporation to receive bids from such stockholders, and they shall award the loan upon the bid deemed most advantageous to the interests of the corporation, such bid to be secured by mortgage, with power of sale upon real estate, to be executed to said company, to an amount equal to the par or ultimate value of the shares redeemed.

SEC. 10. This act shall be in force from and after its When act to be in force. ratification.

Ratified the 21st day of March, A. D. 1871.

CHAPTER XLIX.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WARRENTON.

SECTION 1. *The General Assembly of North Carolina do enact,* That the commissioners of the town of Warrenton shall have power to make laws for punishing violations of the ordinances of said town by imprisonment for not more than ten days. Penalties for violation of ordinances.

SEC. 2. That when any land or right of way shall be required by the town of Warrenton for the purpose of opening new streets, widening streets already opened, or for any other object allowed by the charter of said town, or by the general law regulating the powers of incorporated towns, and for want of agreement as to the value thereof it cannot be purchased from the owner or owners, the same may be Condemnation of land for public streets.

taken at a valuation to be made by three freeholders of the said town, to be chosen by the commissioners; and in making said valuation, said freeholders, after being duly sworn by the mayor or by a justice of the peace for the county of Warren, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the said land or right of way being amended; also any special benefit or advantage such owner or owners may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of the loss or damage over and above the advantages shall form the measure of valuation of the said land or right of way; *Provided*, That if the owner or owners of the land or right of way, or the commissioners, be dissatisfied with the valuation thus made, either party may appeal to the superior court of Warren county, and the said freeholders shall return to the term of the said court which shall be held next thereafter, their valuation with the proceedings thereon and the land so valued shall vest in the said commissioners and their successors in office, so long as it may be used for the purposes of said town from the time that the amount of the valuation shall be paid into the office of the clerk of the court, in case it shall be refused by the owner or owners of the land; *And, provided further*, That in case of the discontinuance of the use of the land by the said town, and its reversion to the original owner or owners, the town shall have the right to remove any improvement erected under its authority.

Act to be ratified
by voters.

SEC. 3. That this act shall have no force or effect until ratified by a majority of the qualified voters of the town of Warrenton, at an election to be held at such time and places as the commissioners of said town may appoint.

When act to take
effect.

SEC. 4. This act shall take effect from and after its ratification.

Ratified the 21st day of March, A. D. 1871.

CHAPTER L.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO EXTEND
THE CORPORATE LIMITS OF THE TOWN OF RUTHERFORDTON.

SECTION 1. *The General Assembly of North Carolina do* Repeal
enact, That an act entitled "an act to extend the corporate
limits of the town of Rutherfordton," ratified on the eleventh
day of December one thousand eight hundred and sixty-nine,
being chapter one of the private laws of the session of one
thousand eight hundred and sixty-nine and one thousand
eight hundred and seventy, be and the same is hereby
repealed; *Provided*, The present acting mayor and com.
missioners of the said town of Rutherfordton shall, on the
third Monday in April, one thousand eight hundred and
seventy-one, submit this act to the qualified voters residing
in the corporate limits of said town as said boundary existed
before the passage of the act which this act proposes to
repeal, and if a majority of the votes cast by such qualified
voters be for the ratification of this act, then this act shall
take effect and not otherwise.

SEC. 2. That this act shall be in force from and after its ^{When act to be in}
ratification. ^{force.}

Ratified the 21st day of March, A. D. 1871.

CHAPTER LI.

AN ACT TO AMEND THE CHARTER OF THE WILMINGTON HOOK
AND LADDER COMPANY.

SECTION 1. *The General Assembly of North Carolina do*
enact, That the act entitled "an act to incorporate the Wil-
mington Hook and Ladder Company," ratified the twentieth

day of February, anno domini one thousand eight hundred and sixty-seven, be amended as follows :

Amendments to
charter.

SEC. 2. In section one, by striking out the word "forty," in the eleventh line, and substituting "sixty."

SEC. 3. In section two, by striking out all after the words "vice president" in the second line, and substituting the words "secretary, treasurer, foreman, and assistant foreman, who shall be annually elected, and shall hold their offices until their successors are appointed, and shall discharge all such duties as may be required of them by the by-laws, rules and regulations of the corporation."

When act to be in
force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 23d day of March, A. D. 1871.

CHAPTER LII.

AN ACT TO INCORPORATE THE TRUSTEES OF THE BLUE RIDGE ACADEMY IN HENDERSON COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That L. J. Pace, T. J. Stepp, C. A. Case, S. M. King, J. C. Cox, Thomas Blackwell, Jesse Cox, H. K. Jones, Thomas Gibbs, Jonathan Newman, C. H. Rogers, J. T. Taylor, their associates and successors, are hereby created a

Name.

body politic and corporate, under the style of "The Trustees of Blue Ridge Academy," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold in their corporate capacity property-real and personal, such as may be necessary and suitable for maintaining a school of high grade, at the place where the

Powers and privi-
leges.

said academy is now located in Blue Ridge township, with power to make all needful rules, by-laws and regulations for their own government and that of said academy, and under

said name and style shall have continual succession for the period of ninety-nine years.

SEC. 2. That said board of trustees may, at their option, Trustees. increase their number by choosing others to be associated with them, so as to make a number not to exceed fourteen; and upon the occurrence of a vacancy, the board may like, wise fill it by the appointment of a successor to the person previously acting as trustee.

SEC. 3. That this act shall take effect from and after its When act to take effect. ratification.

Ratified the 23d day of March, A. D. 1871.

CHAPTER LIII.

AN ACT TO INCORPORATE THE FAIR OF THE CAROLINA'S, AT CHARLOTTE.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That M. L. Wriston, Jo. Graham, T. W. Dewey, Rufus Barringer, W. J. Yates, J. Y. Brice, John Wilkes, J. S. Myers, John C. Burroughs, John L. Brown, S. B. Alexander, Thos. Grier, W. C. Means, F. S. DeWolfe, John M. Potts, E. C. Grier, A. G. Neal, Jasper Stowe, B. S. Guion, A. B. Young, H. M. Houston, Jonas Rudesill, R. A. Springs, J. Asbury, C. J. Fox, J. M. Wadsworth, W. A. Graham, junior, J. Springs Davidson, James McDonald, E. B. Drake, C. Dowd, R. Y. McAden and T. K. Cureton, and their associates and successors forever, are hereby constituted a body corporate by the name and style of "The Corporate name. Fair of the Carolinas," for the purpose of promoting improvements in all the various departments of agriculture, including not only the great staples of industry and trade, but also fruits, vegetable and ornamental gardening, the promotion of the mechanic arts in all their various branches, the improvement of the race of all useful and domestic ani-

Objects, rights and privileges.	mals, the general advancement of rural economy, and household manufactures, and the dissemination of useful knowledge upon all these subjects. That said association shall hold their fairs in or near the city of Charlotte.
Place of holding fairs.	
Capital stock.	SEC. 2. That the capital stock of said corporation shall be five thousand dollars, to be increased at pleasure to one hundred thousand dollars, to be divided into shares of five dollars each; and for the purpose of receiving subscriptions for said stock, books shall be opened at such times and places as the corporators may determine, and under the superintendence of persons appointed by them.
Shares.	
Meeting of stockholders.	SEC. 3. That as soon as four hundred shares shall be taken in the stock of said corporation and two thousand dollars paid to the commissioners who keep the books after one week's notice in some newspaper published in Charlotte, there shall be a meeting of the stockholders to organize by the election of a president, two or more vice-presidents, a secretary and treasurer, and twelve directors. The said president, secretary and treasurer, and directors, shall remain in office until the time which shall be prescribed in the by-laws of the said corporation for the meeting of the stockholders, or until their successors shall be duly elected or appointed; and at the time which shall be prescribed by said by-laws as aforesaid which shall be at least once in each year, meetings of the stockholders shall be held in the city of Charlotte, for the purpose of electing a president, two or more vice-presidents, a secretary and treasurer and twelve directors, and inquiring into the affairs of the corporation and making such regulations as may be deemed necessary and proper.
Officers.	
Meetings of stockholders.	SEC. 4. A meeting of the stockholders shall not be held unless a majority of the shares of stock [be] represented in the meeting, and every act shall require a majority of the vote present. Every stockholder holding one share and not more than two, shall be entitled to one vote for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote; for every ten shares above one hundred and

not exceeding two hundred, one vote; for every twenty shares above two hundred, one vote. Stockholders may vote at general meetings and elections by proxy, the proxy being a stockholder. None but a stockholder shall be eligible to the office of president, vice-president, secretary and treasurer and directors. Not less than five directors, one of whom shall be the presiding officer, shall constitute a quorum for the transaction of business.

Eligibility to office.

SEC. 5. The president shall preside at all meetings of the directors, and in his absence one of the vice-presidents, and in the absence of the vice-president, some director. If a vacancy in the directory, or any of the offices of the corporation shall occur, the remaining directors shall fill such vacancy, until the succeeding meeting of stockholders. The president shall have power to call a meeting of the directors at any time he may think proper, and upon the written request of three directors, shall call a meeting of the directors. The president and secretary and treasurer may be required to give bond, with one or more securities, in such sum as the directors may require for the prompt and faithful discharge of their duty, and may be allowed such compensation by the directors for their services as may be reasonable. The stock of said company shall be assignable and transferable according to the rules which shall be made by the directors in their by-laws.

Duties of officers.

Vacancies.

SEC. 6. The corporation hereby created may have a common seal and change the same at pleasure, may by their corporate name sue and be sued, may contract and be contracted with, and may be capable of acquiring by purchase or otherwise, real and personal estate, and may improve the same or any part thereof at pleasure, and may in their corporate name do any and every other act not inconsistent with the constitution and laws of this state, which will, in the opinion of the president and directors contribute to advance the objects of the corporation. The president and directors aforesaid, and their successors shall have the management of the official and other concerns of said corporation; and shall have power to form such constitution, and make such regu-

Further rights.

lations and by-laws, not inconsistent with the constitution and laws of the state as may in their opinion contribute to the good order and management of said corporation, and may, from time to time, modify and repeal the same at pleasure.

Annual dividends. SEC. 7. That the directors of said corporation may declare annual dividends of the profits thereof, and that the capital stock and real estate owned by said corporation be free from taxation.

Police force. SEC. 8. That the board of directors shall have power to employ and organize a police force for the preservation of order within the grounds of said corporation, and for the distance of five hundred feet without the same; and that said board of directors shall have power to enact by-laws for the government of said police, not inconsistent with the constitution and laws of the state. That said police force whilst on duty shall have all the powers which the police force of the city of Charlotte now have for the suppression of riot and disturbances, and for the preservation of peace and good order.

When act to be in force. SEC. 9. *Be it further enacted,* That this act shall be in force from and after its passage.

Ratified the 23d day of March, A. D. 1871.

CHAPTER LIV.

AN ACT AUTHORIZING THE DISMAL SWAMP CANAL COMPANY TO ISSUE EIGHT PER CENT. BONDS.

Company authorized to issue additional bonds.

SECTION 1. *The General Assembly of North Carolina do enact,* That it may and shall be lawful for the dismal swamp canal company in addition to the bonds authorized by the act entitled "an act to authorize the dismal swamp canal company to issue eight per cent. bonds," ratified on the eleventh day of December, anno domini one thousand eight hun-

dred and sixty-six, to issue coupon bonds bearing interest at the rate of eight per centum per annum, the principal to be paid at such time and place as may be deemed by the company most expedient, and the interest to be paid semi-annually at such place as may be determined on for the payment of the principal of such bonds; *Provided*, That the whole amount of bonds which shall be issued under this act shall not exceed the sum of one hundred thousand dollars. Proviso.

SEC. 2. That the said company be and they are hereby authorized to sell and dispose of the bonds authorized by this act in such mode and on such terms as they may deem advisable, and to give such security for the punctual payment of the said bonds as they may deem expedient. Sale of bonds.

SEC. 3. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 25th day of March, A. D. 1871.

CHAPTER LV.

AN ACT SUPPLEMENTAL TO AN ACT TO INCORPORATE THE TRUSTEES OF MOUNT VERNON ACADEMY, ON BAY RIVER, IN CRAVEN COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That section three of an act to incorporate the trustees of Mount Vernon academy, on Bay river, in Craven county, ratified on the sixteenth day of February, anno domini one thousand eight hundred and seventy-one, be and the same is hereby repealed. Amendment.

SEC. 2. This act shall take effect from and after its ratification. When act to take effect.

Ratified the 25th day of March, A. D. 1871.

CHAPTER LVI.

AN ACT TO AMEND AN ACT TO INCORPORATE THE BANK OF
MECKLENBURG.

Amended act.

SECTION 1. *The General Assembly of North Carolina do enact*, That section second of an act ratified the 10th day of April, one thousand eight hundred and sixty-nine, entitled an act to incorporate the bank of Mecklenburg be amended so as to read as follows :

Commissioners to
open books.

SEC. 2. That Thomas R. Tate, Thomas W. Dewey, T. F. Dewey, H. W. Guion and J. R. Tate, are hereby appointed commissioners to open books for subscription to the capital stock of said bank at such times and places as they or a majority of them shall determine, and shall keep open the same until the sum of fifty thousand dollars at least shall be subscribed. When the subscribers shall become a body politic by the name and style of the bank of Mecklenburg, and thereafter the books of said bank may be opened by the directors of said bank from time to time for receiving further subscriptions until the whole authorized capital may be subscribed.

Corporate name.

Additional sec-
tion.

SEC. 3. *Be it further enacted*, That said act be amended by adding an additional section as follows :

Powers and privi-
leges.

Sec. 10. That to aid planters, farmers, miners, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer, or other person or persons any sum or sums of money, and to secure the re-payment of same, take in writing a lien or liens on the crop or crops to be raised even before planting the same, or upon the present or prospective products of any mining operations, or upon any article or articles then existing or thereafter to be made or manufactured, and any lien so taken in writing, shall be good and effectual in law ; *Provided*, The same is duly recorded under the existing laws of registration, anterior to all other liens and mortgages for securing such loan or advances.

Proviso.

And the said bank shall have power to make loans upon mortgages of real and personal property with powers of sale inserted, upon default of payment, and also to receive in storage or warehouse, any cotton, wheat, corn or other produce, or any manufactured article whatsoever, as a pledge or pledges for the re-payment of any money or moneys loaned upon the faith of the same, the said lien, pledges or mortgages, being duly recorded and registered, as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited, shall be good and valid in law.

SEC. 4. That the original act with this amendment shall be in force from and after the ratification of this act.

When act to be in force.

Ratified the 29th day of March, A. D. 1871.

CHAPTER LVII.

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO PERFECT TITLE TO A CERTAIN LOT IN SAID CITY CONVEYED TO THE GIBLIM LODGE NUMBER TWO, FREE AND ACCEPTED A. Y. MASONS.

SECTION 1. *The General Assembly of North Carolina do enact*, That the mayor and aldermen of the city of Wilmington be and they are hereby authorized to convey to the Giblim Lodge number two, free and accepted masons of said city, title in fee simple to a certain lot in said city on Fourth street, next adjoining the Howard engine house, the property of said city, upon the said Giblim Lodge complying with the conditions of the sale; *Provided*, the same be by deed executed and registered as required by law.

Corporation may convey town lot to Giblin Lodge, A. Y. M.

SEC. 2. This act shall be in force and take effect from and after its ratification.

When act to be in force.

Ratified the 30th day of March, A. D. 1871.

CHAPTER LVIII.

AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN THREE MILES OF SILVER HILL, DAVIDSON COUNTY, RATIFIED THE FOURTEENTH DAY OF DECEMBER, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Repeals.

SECTION 1. *The General Assembly of North Carolina do enact*, That an act entitled an act to prevent the sale of spirituous liquors within three miles of Silver Hill, Davidson county, ratified the fourteenth day of December, anno domini one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

When act to be in force.

SEC. 2. That this act shall be in force from and after the date of its ratification.

Ratified the 30th day of March, A. D. 1871.

CHAPTER LIX.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF POINT CASWELL, IN NEW HANOVER.

Sale of spirituous liquors prohibited

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person to sell spirituous liquors within two miles or less of Point Caswell, in the county of New Hanover, and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction, shall be fined and imprisoned at the discretion of the court.

When act to be in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 30th day of March, A. D. 1871.

CHAPTER LX.

AN ACT TO INCORPORATE THE NEVASSA GUANO COMPANY OF
WILMINGTON.

SECTION 1. *The General Assembly of North Carolina do enact*, That Robert R. Bridgers, George W. Grafflin, John C. Grafflin, Walter E. Lawton, Donald McRae, William A. Wright, Francis W. Kerchner, Michael Cronly, Edward Kidder, J. Eli Gregg and Alfred Dockery, and such other persons, companies or corporations as now are or hereafter may be associated with them for the general purposes in this act declared, are hereby constituted and declared to be a body politic, and incorporated by the name and style of the Nevassa Guano Company of Wilmington, with power to purchase, hold, sell, lease, mortgage, or otherwise convey and dispose of any real or personal estate, to borrow money, and to make and issue bonds and promissory notes, or other evidence of its indebtedness, and secure the payment of the same by mortgage or otherwise, as may be deemed best, to make advances of money or other things, on such terms or on such rates of interest, and on such securities, real or personal, as may be agreed on, and with all the rights and powers and privileges incident or belonging to corporations, as set forth in the first, second and third sections of the twenty-sixth chapter of the revised code of North Carolina, entitled "corporations."

Corporators.

Corporate name.

Rights and privileges.

SEC. 2. The capital stock of said company shall not be less than two hundred thousand dollars, and may be increased to such further sum not exceeding one million dollars, as the stockholders of said company may from time to time determine. Said capital stock shall be divided into shares of one hundred dollars each; and at all meetings of the stockholders of said company, each share of stock shall entitle the holder of the same to one vote, either in person or by proxy.

Capital stock.

SEC. 3. That said company is hereby authorized and empowered to manufacture fertilizers and chemicals of any

Further powers and privileges.

character and description from materials or substances of any kind whatsoever, to mine and work the necessary ores, to catch fish, extract the oil therefrom and prepare the same for fertilizing purposes, to manufacture bags, barrels and such other things as may be deemed necessary, or in any way incident to the manufacture or the sale of fertilizers and chemicals, to engage in and conduct any kind of agricultural, horticultural or manufacturing business or enterprise, to own, employ and use vessels, steamboats or any other boats, and generally to conduct and carry on in all its branches the business of manufacturing, transporting, buying and selling fertilizers and chemicals.

By-Laws.

SEC. 4. The stockholders of said company may make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said company. They may prescribe the number of directors and the number and character of the officers of said company, the manner of their election and the amount of their compensation, the terms of their respective offices, the manner in which any director or officer may be removed, and the mode of supplying any vacancy arising from any cause whatever, either among the directors or officers of said company.

Officers.**Subscriptions and apportionment of stock.**

SEC. 5. The holders of the shares of the capital stock of the company now existing and known by the name of the "Nevassa Guano Company, of Wilmington," shall be entitled severally and respectively to a like number of shares of the capital stock of the corporation by this act created as are by them severally and respectively held in said company now existing, subject however to the payment of any and all such instalments as may be due thereon by the holder of any such shares; and books of subscription to the capital stock of this corporation may be opened by the corporation hereinbefore named who hold or represent a majority of the shares of said company now existing, at such time and at such place, and under such rules and regulations as they may deem best, and when such books which may be so first opened shall be closed, no other

or further subscription to the capital stock of this corporation shall be made unless assented to by a majority of the then stockholders.

SEC. 6. The corporate rights, powers and privileges hereby granted shall continue for the term of ninety-nine years, and this act shall take effect and be in force from and after its ratification. When act to take effect.

Ratified the 30th day of March, A. D. 1871.

CHAPTER LXI.

AN ACT TO INCORPORATE THE TOWN OF MURPHY, IN CHEROKEE COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the town of Murphy, in the county of Cherokee, is hereby created an incorporated town, and M. C. King, S. W. Davidson, Samuel Henry, W. M. Manchester, J. W. Cooper, Robert Aiken and their successors are hereby created a body, under the name and style of the commissioners of the town of Murphy, to have perpetual succession and a common seal, with the usual powers of such corporations; to sue and be sued, plead and be impleaded, contract and be contracted with, and to make all needful rules, regulations, by-laws and ordinances for the government of said town, not inconsistent with the constitution and laws of this state and of the United States. Commissioners.

Corporate rights.

SEC. 2. That the above named commissioners shall only hold their office till their successors are duly elected at the next regular municipal election for the towns of this state. Terms of office.

SEC. 3. That said commissioners may appoint a town constable, and may also choose one of their own number to be mayor of said town, until the next regular municipal election for the towns of this state, at which date an election shall be held for mayor, six commissioners and a town con- Town officers.

stable, and town clerk, and so on annually thereafter according to general law on the subject.

Corporate limits.

SEC. 4. That the corporate limits of said town shall be bounded as follows: Beginning at the Valley river bridge on the western turnpike road, thence down Valley river to the mouth of said river, thence up Hiawasse river to the ford of said river above the town of Murphy, thence a straight line to David Hennessee's spring, thence with said spring branch to Valley river, thence down said river to the beginning.

When act to be in force.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 30th day of March, A. D. 1871.

CHAPTER LXII.

AN ACT TO INCORPORATE THE LOUISBURG MANUFACTURING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That James Dent, William E. Sturges, Thomas K. Thomas, Joseph J. Davis and William K. Barham, their associates, assigns and successors be and the same are hereby constituted a body politic and corporate, under the name and style of the Louisburg Manufacturing Company.

Name.

Powers and privileges.

SEC. 2. Said company shall have power to engage in the manufacturing of cotton, wool, wood and iron, and the finishing of the various fabrics produced from the same at the Louisburg mills, on Tar river; and to facilitate the object in view, the company may elevate the dam now across the said stream two feet so as to enlarge the water power at that place by securing the consent of the land owners who might be damaged thereby, or by paying such damages as may be assessed by three commissioners, one to

be appointed by the company, one by the land owners, and the third by the two thus appointed.

SEC. 3. The capital stock of the company shall be one hundred thousand dollars, and the directors may issue certificates of stock of one hundred dollars each, and at least ten per cent. of the amount subscribed by any individual shall be paid or secured at the time of subscribing, or in convenient time thereafter; and as soon as the said ten per cent. shall be paid or secured, the said corporators shall cause a meeting of the shareholders to be held, and elect five directors, who shall elect from their number a president and secretary for twelve months and annually thereafter.

SEC. 4. Said company shall have power to buy and sell real and personal estate, to sell water power, to make rules and regulations, to sue and be sued, and to exercise a general control as a corporate body, and to do all acts and things necessary to carry on the business of the said company.

SEC. 5. This act shall take effect and be in force from and after its ratification.

Ratified the 31st day of March, A. D. 1871.

CHAPTER LXIII.

AN ACT TO INCORPORATE THE TOWN OF KERNERSVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Kernersville, in the county of Forsythe, be and the same is hereby incorporated and made a body corporate by the name and style of "The town of Kernersville," and shall be subject to and governed by all the provisions contained in chapter one hundred and eleven of the revised code, or so much of said chapter as does not conflict with the constitution of this state or of the United States.

- Corporate limits.** SEC. 2. That the corporate limits of said town shall embrace all that portion of the said town within a radius of three-quarters of a mile from "Kernersville High School."
- Elections.** SEC. 3. That the first election for municipal officers and constable shall be held within three months after the ratification of this act, and annually thereafter on the first Monday of May.
- When act to be in force.** SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 31st day of March, A. D. 1871.

CHAPTER LXIV.

AN ACT TO INCORPORATE THE NEWPORT PEABODY EDUCATIONAL ASSOCIATION.

- Corporators.** SECTION 1. *The General Assembly of North Carolina do enact*, That Jasper B. Mann, Edgar L. Perkins, W. S. Bell, Kilby Tolson, sr., and David McCain, of the town of Newport, Carteret county, and vicinity, or any three of them, their associates and successors, organized and known as the
- Name.** "Newport Peabody Educational Association," having for its
- Object.** object the promotion of education in that section of country of which Newport is the centre, be and they are hereby created a body politic and corporate by the name and style of the "Newport Peabody Educational Association," and by
- Corporate rights.** that name may sue and be sued, plead and be impleaded, may purchase, acquire, hold and transfer real and personal estate, may use and enforce their present constitution and by-laws, may alter or amend the same as they may deem necessary and proper from time to time for governing the affairs of the corporation, and may do all other acts and things which in law a body corporate may of right do, not inconsistent with the constitution and laws of the United States or of this state.

SEC. 2. That it shall not be lawful for any person or persons to sell by wholesale or retail, any intoxicating liquors within five (5) miles distance of the institution of learning established by said association. Sale of intoxicating liquors prohibited.

SEC. 3. That any person who violates section two of this act shall be subject to a penalty of fifty dollars, to be recovered before the mayor of the town of Newport or any magistrate in Carteret county, one-half of said fine to be paid to the informant and the other half to the poor of the town of Newport, and shall be further subject to indictment for a misdemeanor in the superior court of Carteret county.

SEC. 4. That this act is hereby declared a public act, and shall be in force from and after its ratification, and shall remain in force for the period of fifty years. When act to be in force.

Ratified the 31st day of March, A. D. 1871.

CHAPTER LXV.

AN ACT TO INCORPORATE THE SOUTH RIVER DRAINING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact*, That James L. Autry, William H. Autry, Arthur Horn, Love Autry, David B. Hall, Malcom McAlpin, Thos. Bullock, William Webb, John Faircloth, Daniel J. Hair, David Sessome, Joel Horn, Joel Mathis, Robert Mathis, William H. Fisher, John C. Butler, M. S. Carter, William L. Simpson, J. F. Daniel, W. W. Autry, John S. Cain, John E. Lockaway, John Autry, Jinnette Culbreth, John Hall, and other land owners who voluntarily take stock in the association, are constituted a body corporate, with full corporate powers to hold property, to sue and be sued, implead and be impleaded, and to do any and all acts in a meeting of the corporators, and to bind the members who join the same voluntarily to abide by and do and perform all Corporators.
Powers and privileges.

the requirements which they may, in meeting and by vote of a majority of the members of said corporation by resolution passed and recorded in the minutes of their company, require.

Objects of corporation.

SEC. 2. That the purpose of this act is to drain swamp lands of South river in the counties of Sampson, Bladen and Cumberland, and lying on both sides of South river, from the point known as Branson's old mill dam, up South river to the mouth of Mingo Swamp, where it empties into South river, or so much of said swamp as they may from time to time be able to drain.

Corporate name.

SEC. 3. That said company shall be styled "The South River Draining Company," and under this name shall sue and be sued, &c., &c.

Expense of drainage.

SEC. 4. That for the purposes aforesaid, they shall have power by vote of the company or a majority of the stockholders shall levy and collect from the stockholders the sum of twenty-five cents per acre on all the lands of those who become stockholders in this company in each and every year for the purpose of carrying on the work of draining said lands, and should at any time any difficulty arise as to how many acres will be benefited by the draining proposed, the same shall be settled by a board of three arbitrators selected from among the stockholders, shall assess the and report to the secretary of said company, and said sum thus assessed shall be recovered in a action before a justice of the peace in the county where the land lies, and said justice shall give judgment for said assessment according to the report of said arbitrators, and issue execution therefor, and the same shall be a lien upon the land drained.

Officers.

SEC. 5. That the officers of this company, a president, a secretary, a treasurer, a board of arbitrators, consisting of three stockholders, who shall be annually elected by said company at their first meeting, which shall be held on the first Saturday in May of each and every year, or at such time in the month of May as the stockholders may agree and fix upon, and said officers shall hold their offices for one year, or until their successors are elected.

SEC. 6. That they shall be paid such sums as the company shall fix and order, and the treasurer shall give bond in the sum of five hundred dollars, payable to the company, for the faithful keeping of the moneys of said company, and paying over the same, as may be ordered by the stockholders of said company. Salaries.

SEC. 7. That said company shall be authorized to proceed under the laws of the state to secure indemnity for the labor expended in draining the lands of those who do not become stockholders in this company, and to have an assessment and recovery, as directed by law, for the benefit and improvement done the land of those not members and stockholders in the corporation. Indemnity from non-members.

SEC. 8. That all the vacant lands which shall be drained by this company, which are now useless on account of being covered with water, are hereby granted to said company by the state of North Carolina, and the said company may sell and make title by deed therefor, and shall, when sold, use the proceeds arising therefrom in completing the draining of the aforesaid lands. Lands granted.

SEC. 9. That the company shall have power to purchase and own real estate sufficient for the purposes herein set forth, and personal property, both not to exceed five thousand dollars in valuation, except it be in the swamp lands by them drained under this act. Further corporate powers.

SEC. 10. That their powers and franchises extend over the territory above set forth, and up all the branches of South river, between the points above recited.

SEC. 11. That this act be in force from and after its ratification. When act to be in force.

Ratified the 31st day of March, A. D. 1871.

CHAPTER LXVI.

AN ACT TO INCORPORATE THE NORTH CAROLINA STOCK RAISING
AND FISHING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That E. C. Lindsay, Daniel C. Lindsay, Jos. L. Cannon, Demosthenes Bell and William H. White, their associates, successors and assigns, be and they are hereby created a corporation and body politic in law and in fact, by the name of "The North Carolina Stock Raising and Fishing Company," for the purpose of raising live stock, horses, cattle, hogs and sheep, catching shad, herring and other fish in nets and line, and shooting and killing wild animals and wild fowls, and transporting, butchering, salting and packing the same, in such forms and condition as to make them useful and saleable and marketable, and to sell and dispose of the same, and as such body politic and corporate and by such name, may sue and be sued, plead and be impleaded, may adopt a common seal and alter the same at will, and may make all necessary by-laws and regulations, not inconsistent with the provisions of this charter, the laws of the state or of the United States.

Corporate name.

Objects of association.

Corporate rights.

Powers and privileges.

SEC. 2. That said corporation shall have, use and enjoy all the rights, powers and privileges required to effectuate the purposes for which it is created, and shall have the right and power to purchase, hold, sell, transfer and convey all property and estate, real and personal, as may be required, or as said corporation may deem necessary or expedient for any of the purposes aforesaid, and may pledge or mortgage the same to secure the payment of debts or advancements of money to its use, and may take any and all securities to secure debts due to it.

Capital stock.

Shares.

SEC. 3. That the capital stock of said company shall consist of shares, the par value of which shall not exceed one hundred thousand dollars (\$100,000,) the number and value of which shares shall be fixed and regulated in the by-laws

of said corporation, and the stock thereof shall be personal property, and be transferable as the said corporation may provide, and at all the meetings of the said corporation each stockholder shall be entitled to one vote, either in person or by proxy, for each share held by him.

SEC. 4. That the affairs of said corporation shall be managed by a board of directors of not less than three, who shall be chosen annually by the stockholders, and such directors shall elect a president of their number; and if at any regular annual meeting, the stockholders shall fail to elect new directors, the directors then in office shall continue in office until their successors are duly elected and qualified; *Provided*, That nothing contained in this act shall be construed to relieve any person or persons from any disabilities or penalties imposed by the laws of the state for shooting or taking wild fowl or fish in the waters of Currituck. Officers.

SEC. 5. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 31st day of March, A. D. 1871.

CHAPTER LXVII.

AN ACT TO INCORPORATE THE CO-OPERATIVE SAVING AND LOAN ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact*, That Edward M. Davis, Frank Fuller, C. A. Cilley, Charles M. Foulke, Shreve Archley, Harvey Shaw, Henry C. Davis, John Turner, J. L. Brotherton and such other persons as may be associated with them and their successors, are hereby constituted a body corporate, under the name of the Co-operative Savings and Loan Association, and by that name shall have perpetual succession, may sue and be sued in any court in this state, and may also purchase, hold and convey such real estate as may be necessary for the conve- Corporators.
Corporate name.
Rights and privileges.

nient transaction of the business thereof, and to carry out the objects for which said corporation is formed.

Special objects of association.

SEC. 2. The objects and intentions of said corporation are to encourage habits of economy and thrift in the industrial classes of both sexes, by uniting them in an association which shall supply homes for their use and accommodation by making suitable provision for the care and custody, and returning suitable compensation for the use of such money belonging to its members and others as may be occasionally or periodically contributed thereto, receiving, receipting for and investing the same when so desired in houses, lands or other property for their use, on such security, terms of payment and rates of interest as may be mutually agreed upon, and loaning said money so contributed unto the members thereof, and others, at the legal rates of interest, to provide for the safe keeping and prompt return of any stocks, bonds, notes or other valuables or evidence of value, which the members of said association and others may deposit, to furnish such guarantees for the safe custody and prompt return thereof as may be necessary, and in case of loss on the part of said corporation, its members or others, of any personal property by theft or otherwise, to adopt such detection or other measures as may be necessary for the recovery thereof, to carry out which objects, intentions and purposes the necessary power is hereby given.

Officers, etc.

SEC. 3. The office and records of said corporation may be kept in the town of Hickory Tavern, Catawba county, and the government shall be vested in a board of nine directors, the persons named in the first section hereof, shall constitute said board, and shall serve until their successors are elected, and may fill any vacancies which may occur in their number during said term. They shall select one of their number to act as president of said corporation, and may establish such offices, and select and appoint such officers, agents and employees as they may deem necessary for conducting the business of said corporation, and may define the duties, and fix the compensation of all such officers, agents and employees. The said board of directors shall have power to add

to their number from time to time, and to adopt such by-laws and regulations for the government of said corporation as may be necessary, which by-laws shall fix and determine the time and manner of the election, as well as the term of office of the directors and other principal officers of said corporation. It shall furthermore be the duty of said board of directors to cause to be executed by each and every officer, agent or employee of said corporation, to whom may be entrusted the care and custody of any money or other valuable property belonging to said corporation or any member thereof, or depositor therein, a good and sufficient bond, conditioned upon the faithful fulfillment of the trust imposed upon him by said corporation.

SEC. 4. All contributions and deposits which may be made by any married woman or minor, as herein specified, shall be taken to be the exclusive property of the person making such contribution or deposit, and shall be subject to withdrawal only by such depositor or contributor in person or by a duly authorized representative.

Deposits by married women and minors.

SEC. 5 This act shall go into effect from and after its ratification.

When act to take effect.

Ratified the 31st day of March, A. D. 1871.

CHAPTER LXVIII.

AN ACT TO INCORPORATE THE MARION HIGH SCHOOL AT MARION, IN THE COUNTY OF M'DOWELL.

SECTION 1. *The General Assembly of North Carolina*, *do enact*, That J. B. Rankin, J. H. Gilkey, R. C. Burgin, A. G. Halyburton, W. H. Malone, J. C. Newland, Finley Laws and A. M. Erwin, and James M. Neil and their successors, are incorporated a body politic for educational purposes, under the name and style of the Trustees of Marion High School, and as such shall have all the powers of cor-

Name.

- porate trustees of like institutions; the said trustees may plead and be impleaded, may sue and be sued.
- Powers of trustees.** SEC. 2. Said trustees shall have control of the building now situated in the town of Marion, heretofore used for the Marion male and female academy, with full power to make all rules and regulations necessary to the good order, management and success of the Marion High School.
- Officers.** SEC. 3. They shall have power to grant certificates of merit, diplomas or other evidences of merit or proficiencies in any of the departments of the sciences, art and language, either classical or English.
- SEC. 4. Said trustees at their first meeting shall elect a chairman, secretary and treasurer, who shall perform the duties required from officers in such positions, and as [such] may be directed by the board of trustees, a majority of whom shall be competent to transact business.
- Terms of office.** SEC. 5. The officers required to be elected by the fourth section of this act shall hold their offices for the period of two years and until their successors shall be elected.
- Vacancies.** SEC. 6. In case of vacancy in said board it shall be supplied by a vote of a majority of said board of trustees at any regular meeting of the same.
- When act to take effect.** SEC. 7. This act shall take effect from and after its ratification.
- Ratified the 1st day of April, A. D, 1871.

CHAPTER LXIX.

AN ACT TO INCORPORATE THE FAIRMOUNT FOUNDRY COMPANY, IN THE COUNTY OF CHATHAM.

- Corporators.** SECTION 1. *The General Assembly of North Carolina do enact, That H. O. Durham, Joseph Nixon, D. H. Albright, W. J. Stockard, and Nathan Stafford, their associates and successors, be and they are hereby enacted a body politic*

and corporate, by the name and style of the "Fairmount Foundry Company," and by that shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places, have a common seal and alter the same at pleasure, make all necessary by-laws for the government of said company, not inconsistent with the constitution of this state or of the United States. Name.
Rights and privileges.

SEC. 2. The capital stock of said company shall not exceed twenty-five thousand dollars, which may be divided in such number of shares as the company by its by-laws may prescribe. Capital stock.
Shares.

SEC. 3. It shall be lawful for the company to purchase machinery, erect and purchase buildings, purchase and hold real estate and pay for the same in shares of said company, and said shares shall be considered as full paid. Further powers of company.

SEC. 4. Said company shall be managed by five or more directors, not exceeding ten, a majority of whom shall constitute a quorum for transacting business. Officers.

SEC. 5. That the board of directors shall elect a president and secretary, who may act as treasurer, and appoint such other officers as they may see fit to transact its business, who shall hold their office until others are chosen to fill their places.

SEC. 6. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXX.

AN ACT TO INCORPORATE ELMWOOD LODGE OF ANCIENT FREE
AND ACCEPTED MASONS, AT GREENSBORO', GUILFORD COUNTY.

SECTION. 1. *The General Assembly of North Carolina do enact,* That the master, wardens and members of Elmwood Lodge, number two hundred and forty-six, at Corporate name.

Rights and privileges.

Greensboro', in the county of Guilford, be and they are hereby constituted a body politic and corporate, by the name and style of Elmwood Lodge, number two hundred and forty-six, of free and accepted masons, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this state; may contract and be contracted with; may acquire, by purchase or otherwise, real and personal estate, and hold and dispose of the same for the benefit of the lodge; may have a common seal, and in general exercise all such rights and privileges as are usually incident to corporations of a like nature.

By-laws.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution of this state or the United States.

When act to be in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXI.

AN ACT TO INCORPORATE THE TOWN OF BURNSVILLE, IN THE COUNTY OF YANCEY.

Town of Burnsville.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Burnsville in the county of Yancey be and the same is hereby incorporated by the name and style of the town of Burnsville, and be subject to all of the provisions contained in the one hundred and eleventh chapter of the revised code, not inconsistent with the constitution and laws of this state or of the United States, also subject to the general law in relation to corporations passed by the general assembly at the session one thousand eight hundred and sixty-eight, and one thousand eight hundred

and sixty-nine, and one thousand eight hundred and seventy, not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: one mile east, west, north and south from the court house; then a line shall be marked commencing at the terminus of the mile running east from the courthouse to the terminus of the mile north of the courthouse, thence to the terminus of the mile west of the courthouse, thence to the terminus of the mile south of the courthouse, thence to the terminus of mile east of the courthouse, which shall be the corporate limits of said town. Corporate limits.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and constable. It shall be the duty of the sheriff of the county of Yancey, or two justices of the Burnsville township, within thirty days after the ratification of this act, after giving ten days notice by advertising at the courthouse door and two other places in said limits, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and state elections are held, and upon the same day they shall vote upon the question of granting license to persons for the purpose of retailing spirituous liquors within said corporate limits. Those voting for the privilege to be granted shall have the word *License* written or printed on their ticket, and those opposed *No License*; and if the majority of the votes so cast say *No License*, the commissioners shall have no power to grant license, and any person violating this law shall be subject to all the pains and penalties prescribed by law for persons selling spirituous liquors without authority of law. Officers.
Municipal election.
Sale of spirituous liquors.

SEC. 4. It shall be the duty of the commissioners elected to meet within five days and take the same oath that is prescribed in the constitution for state officers. Meeting of commissioners.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation, not inconsistent with the laws of this state or of the United States. Municipal laws.

SEC. 6. That the commissioners shall have power to levy Taxation.

a tax not to exceed twenty-five (25) cents on the poll, and not exceed fifteen cents on the one hundred dollars (\$100) value of property.

SEC. 7. The commissioners shall have power to tax all taxables within the corporation not to exceed one-fourth of the state taxes, except nuisances. They shall have power to abate all nuisances, and for this purpose may impose such taxes and fines as may be necessary to abate them.

Streets and walks

SEC. 8. It shall be the duty of the commissioners, after a reasonable pay to the officers, to spend the money so levied and collected to repair the streets and side walks and keep them in good and passable order.

Secretary.

SEC. 9. The commissioners when organized shall have power to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners; and also to appoint a treasurer, who shall enter into bond in the sum of two hundred and fifty dollars, payable to the state of North Carolina with one or more securities approved by the commissioners, and it shall also be their duty to require of the constable elect to enter into bond payable to the state of North Carolina in the sum of five hundred dollars, with one or more securities approved by the commissioners.

Treasurer.

Oath of mayor.

SEC. 10. That the mayor elect, before entering upon the discharge of his duties, shall go before the register of deeds, take and subscribe to the same oath as justices of the peace, and the mayor, commissioners, constable, treasurer and secretary shall hold their offices until their successors are elected and qualified, subject to the laws in force in relation to offices.

First election.

SEC. 11. The first election shall be held within thirty (30) days after the ratification of this act, and the first regular election shall be held on the first Monday in January, one thousand eight hundred and seventy-two, and each successive year thereafter as provided in section third of this act.

Oath of constable.

SEC. 12. That the constable, before entering into office, shall go before some person authorized to administer an oath usually taken by constables.

SEC. 13. That all laws coming in conflict with this act are hereby repealed. Repealing clause.

SEC. 14. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXII.

AN ACT TO INCORPORATE THE CULSAGEE CORUNDUM MINING AND MANUFACTURING COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That C. D. Smith, H. M. Crisp and M. R. Smith, their associates, successors and assigns, are hereby created a body corporate and politic by the name of the Culsagee Corundum Mining and Manufacturing Company, for the purpose of mining and manufacturing corundum into corundum wheels, and other purposes; and by that name are made capable of taking, holding, purchasing, leasing and managing real and personal property, not exceeding one hundred thousand dollars in value, and shall and may have perpetual succession, and be empowered in law to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all the courts of law and equity, to make and use a common seal and to break, alter or renew the same at their pleasure, to adopt by-laws, issue certificates of stock, and generally to do and perform every and all things relative to the objects of their corporation, which is now and shall be lawful for any individual or body politic or corporate to do, and may have and enjoy all the privileges, and be subject to all the liabilities which corporations for the holding, management and improvement of estate in North Carolina usually enjoy, or are made subject to. Corporators.
Corporate name.
Rights and privileges.

SEC. 2. *And be it further enacted,* That the capital stock Capital stock.

Shares. of said company shall not be less than fifty thousand dollars, to be divided into shares of one hundred dollars each, and shall be deemed personal estate, and be transferable upon the books of said corporation.

Officers. SEC. 3. *And it is further enacted,* That the officers of said corporation shall consist of a president and treasurer, with a board of directors, of which the president and treasurer may be members, but the number of directors may be fixed by the shareholders in the by-laws of the corporation, the president shall preside at the meetings of the corporation, sign certificates of stock issued to the stockholders, and shall have a general oversight over the business and affairs of the corporation. The treasurer shall safely keep and disburse all moneys of the corporation, under the direction of the board of directors. The directors shall manage and control the property of the corporation, and make contracts in relation thereto. The treasurer or other officer appointed under the by-laws, shall keep the records of the transactions of the corporation, and shall countersign the certificates of stock issued to the stockholders.

Terms of office. SEC. 4. *And be it further enacted,* That all of the officers of said corporation shall hold their respective offices for the term of one year and until their successors are elected and qualified to act, unless they shall sooner be removed by the directors. The first meeting of said corporation may

First meeting. may be called by any person named herein, by giving previous notice of not less than ten days to all the other persons herein named, of the time and place of such meetings. The annual meetings hereafter shall be called by the treasurer or other officer designated by the board of directors, and shall be held in Franklin, North Carolina, on the second Tuesday in April of each year, notice of which shall be given to the stockholders, not less than twenty-one days previous to the time of holding said meetings and special meetings of the stockholders may be called, in the time and manner prescribed by the stockholders.

Representation of stock. SEC. 5. *And be it further enacted,* That every stockholder shall be entitled to one vote at the election of the

company for each and every share therein, by him or her owned, and a plurality of votes cast at any election shall elect.

SEC. 6. *And be it further enacted*, That the directors of said corporation shall have power to declare such dividend of the profits of the company as they deem proper. Dividends.

SEC. 7. *And be it further enacted*, That this act shall take effect from and after its ratification. When act to take effect.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXIII.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN
ONE MILE OF FORT HEMBREE ACADEMY, IN CLAY COUNTY.

SECTION 1. *The General Assembly of North Carolina do enact*, That it shall be unlawful for any person or persons to sell any kind of intoxicating liquors within one mile of what is known as the Fort Hembree academy, in Clay county. Sale of intoxicating liquors prohibited.

SEC. 2. That any person or persons violating the provisions of this act shall, on conviction thereof, be fined not less than ten nor more than one hundred dollars, or imprisoned, at the discretion of the court; *Provided*, That this act shall not be so construed as to effect the rights of persons owning property or occupying property within the town of Hayesville. Penalty.

SEC. 3. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXIV.

AN ACT TO INCORPORATE THE TRUSTEES OF LITTLE RIVER
ACADEMY, IN CUMBERLAND COUNTY.

•Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That D. D. McBryde, Jos. P. Hodge, Wm. B. Surles, Gaston Adams, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the trustees of Little river academy, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold in their corporate capacity property, real and personal, such as may be suitable and necessary for maintaining a school of high grade, at the place where said academy is now located, with power to make all needful rules, by-laws and regulations for their own government and that of said academy, and under said name and style shall have continued succession for the period of fifty-nine years.

Name.

Powers and privileges.

Board of trustees.

SEC. 2. That said board of trustees may at their option, increase their number by choosing others to be associated with them, so as to make a number not to exceed ten, and upon the occurrence of a vacancy, the board may likewise fill it by the appointment of a successor to the person previously acting as trustee.

Sale of spirituous liquors prohibited.

SEC. 3. That it shall not be lawful for any person to sell spirituous liquors within three miles and a half of said Little river academy, and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction, shall be fined or imprisoned, or both, at the discretion of the court.

When act to be in force.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE
THE BLADEN LAND COMPANY, RATIFIED TWENTY-SIXTH JAN-
UARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

SECTION. 1. *The General Assembly of North Carolina do* Company may
dispose of its
bonds.
act, That the Bladen land company shall have power to
make and dispose of its bonds, in such amounts, not to exceed
the sum of one hundred thousand (\$100,000) dollars, at such
rates, not to exceed eight per cent. interest, and on such
time, not to exceed ten years, as it may deem best.

SEC. 2. Such bonds shall be under the seal of the com- Terms of bonds.
pany, signed by the president and countersigned and regis-
tered and numbered by the secretary of the company. They
shall constitute a prior lien upon all the estate, franchises
and effects of the Bladen land company, to be enforced by
any legal holder thereof in case of non-payment of principal
interest when due in preference to all other liens, when-
ever demanded by a majority of all the holders thereof in
amount.

SEC. 3. This act shall be in force and take effect from When act to be in
force.
after and its ratification.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXVI.

AN ACT TO LEGALIZE AND MAKE VALID AN ELECTION HELD
IN THE TOWN OF HENDERSONVILLE, IN THE COUNTY OF HEN-
DERSON, FOR MUNICIPAL OFFICERS OF SAID TOWN.

WHEREAS, An election was held in the town of Hender- Preamble.
sonville, in the county of Henderson, for commissioners and
other municipal officers of said town, on Monday the second

of January, one thousand eight hundred and seventy-one and whereas, doubts are entertained as to the validity and legality of said election ; therefore,

Election of officers made valid.

SECTION 1. *The General Assembly of North Carolina do enact*, That the said election so held as aforesaid in the said town of Hendersonville, in the county of Henderson, on Monday, the second day of January, one thousand eight hundred and seventy-one, for commissioners and other municipal officers of said town shall be legal and valid to all intents and purposes, the commissioners and all other officers elected at said election and declared perfectly and legally elected by this act.

When act to be in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 1st day of April, A. D. 1871.

CHAPTER LXXVII.

AN ACT TO INCORPORATE THE TRUSTEES OF THE WACCAMAW BAPTIST CHURCH IN THE COUNTY OF COLUMBUS, NEAR HEMINGTON.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That the Rev. James W. Dickson, Henry Mitchell and Wm. H. Mitchell, shall be and are hereby created together with their successors, a corporation and body politic, in deed and in law, by the name and style of the

Name.

Rights and privileges.

"Trustees of the Waccamaw Baptist Church, in the county of Columbus, near Hemington," and said corporation shall have power to purchase and hold real estate, and to acquire the same by gift or otherwise ; shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court of the state having competent jurisdiction, and may have and use a common seal.

SEC. 2. That if any person shall sell any vinous or spirituous liquors within two miles of said "The Waccamaw Baptist Church," or within two miles of Hemington in said county and near said church, the same shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than fifty dollars for each and every offence. Sale of spirituous liquors.

SEC. 3. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 3d day of April, A. D. 1871.

CHAPTER LXXVIII.

AN ACT TO INCORPORATE THE WAYNESVILLE ACADEMY ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do enact,* That J. N. Benners, N. Brown, G. S. Furguson, A. W. Rich, J. Kalcliff, jr., H. M. Rogers, R. V. Welch, S. L. Love and E. B. Herren, &c., be and they are hereby constituted a body politic and corporate by the name and style of the Waynesville Academy Association, and by that name may sue and be sued, plead and be impleaded, shall have succession and a common seal, and in general shall exercise and enjoy all such rights, powers and privileges, as are usually exercised and enjoyed by the trustees of any incorporated college in this state. Corporators:

SEC. 2. That any five of the above named persons or their successors may constitute a quorum for the transaction of business, and that on death, removal or refusal to act of any of the above named persons or their successors, the remaining members of the association aforesaid shall have power to fill such vacancy. Quorum.

SEC. 3. That said corporation may take, hold, bargain and sell such real estate, moneys, stocks and other personal Privileges.

chattels as may be necessary for the transaction of its business, and the carrying out the purposes of its creation, not exceeding ten thousand dollars.

May appoint superintendent,

SEC. 4. That the said association and their successors, or a majority of them present, shall have the power of appointing a superintendent and such assistants for the school as to them shall appear necessary and proper for said association, whom they may remove for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations for their own government and that of the institution as to them may appear expedient; *Provided*, That the same are not inconsistent with the constitution or laws of the state; *Provided further*, That if a majority of said association shall not convene for the purpose aforesaid, it shall and may be lawful for three of said corporation and their successors to form a quorum to do business, and may from time to time make necessary by-laws and regulations.

Proviso.

When act to be in force.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this 3d day of April, A. D. 1871.

CHAPTER LXXIX.

AN ACT TO INCORPORATE THE TOWN OF JEFFERSON, IN THE COUNTY OF ASHE.

Corporate name.

SECTION 1. *The General Assembly of North Carolina do enact*, That the town of Jefferson, in the county of Ashe is hereby incorporated into a body politic and corporate by the name and style of the commissioners of the town of Jefferson.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: beginning at a stake one-half mile north of the courthouse, and running thence to a stake one mile east of the courthouse, and thence to a stake one-half mile south of the

courthouse, and thence to a stake one mile west of the court house and thence to the beginning.

SEC. 3. That James Wagg, E. C. Bartlett, U. H. Waugh, Commissioners. J. E. Foster and W. H. Perkins be appointed commissioners of said town, and shall hold said office of commissioner until their successors shall be elected and qualified.

SEC. 4. That Wiley P. Thomas be appointed mayor of Mayor. said town and to hold said office until his successor shall be elected and qualified.

SEC. 5. That the election for mayor and commissioners Election. shall be held on such day as the legislature shall prescribe, and in case of failure on the part of the legislature to prescribe such day, then ;on such day as the county commissioners may prescribe ; *Provided*, Such election shall be held annually.

SEC. 6. That the officers herein named and their succes- Powers of officers. sors, shall have all the powers and immunities, and be subject to all the restrictions and liabilities as are enumerated [in] chapter one hundred and eleven, of the revised code, except that the county commissioners shall be substituted for a county court, named in that chapter.

SEC. 7. That all laws and clauses of laws coming in con- Laws repealed. flict with this act are hereby repealed.

SEC. 8. This act shall be in force from and after its rati- When act to take effect. fication.

Ratified the 3d day of April, A. D. 1871.

CHAPTER LXXX.

AN ACT TO INCORPORATE THE TOWN OF CAREY, IN WAKE COUNTY.

SECTION 1. *The General Assembly of North Carolina do* Corporate name. enact, That the village in Wake county known as Carey, is hereby incorporated by the name of "The town of Carey,"

- and such shall be subject to the general laws upon towns in the revised code, III, and elsewhere, so far as the name may be now in force, and except so far as varied by this charter.
- Corporate limits.** SEC. 2. That the limits of said town shall be lines running at the distance of one-half mile from the warehouse of the Chatham railroad company in said town, and parallel with the four walls thereof.
- Retailing liquor forbidden.** SEC. 3. That any licenses to retail spirituous liquor, wine or cordial at Carey, or within two miles thereof, shall be void, and no person shall erect, keep, maintain, or have at Carey or within two miles thereof any tippling house, establishment or place for the sale of wines, cordials, spirituous or malt liquors.
- Commissioners.** SEC. 4. That the commissioners of said town shall be five in number, and that until their successors shall be elected under the laws of the state, the following persons, viz: R. H. Jones, A. H. Merritt, M. P. Mallett, H. B. Jordan and W. H. Bobbitt, shall be commissioners, and A. F. Page shall be mayor of said town, with all the powers by law conferred upon such officers.
- Mayor.**
- When act to be in force. |** SEC. 5. That this act shall be in force from and after its ratification.
- Ratified the 3d day of April, A. D. 1871.

CHAPTER LXXXI.

AN ACT TO INCORPORATE THE ROCKY RIVER BRIDGE COMPANY.

- Corporators.** SECTION 1. *The General Assembly of North Carolina do enact*, That William Bost, Hiram Bost, J. D. Cox, B. W. Smith, J. A. Evans, L. L. Furr, Nelson Smith, Micheal Dry, J. A. Hartsel and Berry Barbee, are hereby declared a body corporate under the name and style of the Cabarrus Rocky River Bridge Company, and by that name shall sue and be sued, plead and be impleaded, have a common seal,

shall have all the rights and privileges of a body corporate Privileges.
for the purposes of erecting and building a toll bridge across
Rocky river at or near Hurter's old mill, (near the old Fayetteville and Charlotte road) now Smith's mill, in the county
of Cabarrus.

SEC. 2. That the capital stock of said company shall be Capital stock.
five thousand dollars, and shall be divided into shares of ten
dollars a share, and the said company shall open books of
subscription at such time and place as the company shall
deem fit.

SEC. 3. That the said Cabarrus Rocky River Bridge Com- Shall build bridge.
pany shall build said bridge in a good and substantial
manner.

SEC. 4. That so soon as said bridge shall be completed, the Tolls.
company shall receive the following tolls, to-wit: For a six
horse wagon, eighty cents; for a four horse wagon, sixty
cents; for a three horse wagon, fifty cents; for a two horse
wagon, forty cents; for a one horse wagon, thirty cents; for
a man and horse, ten cents; for loose horses and mules, five
cents each; for cattle, sheep and hogs, two and a half cents.

SEC. 5. That said corporation shall continue for the term Term of existence.
of fifty years from the passage of this act.

SEC. 6. That if any person, after crossing said bridge
shall refuse to pay the tolls above specified, he or they shall
forfeit and pay to the said Cabarrus Rocky River Bridge
Company the sum of twenty dollars, to be recovered before
a justice of the peace, one-half to the poor of the county of
Cabarrus.

SEC. 7. That this act shall be in force from and after its When to be in force.
ratification.

Ratified the 3d day of April, A. D. 1871.

CHAPTER LXXXII.

AN ACT FOR THE INCORPORATION OF NORTH STATE LODGE,
NUMBER TWENTY-SIX, INDEPENDENT ORDER OF ODD FEL-
LWS, AT THE CITY OF SALISBURY, COUNTY OF ROWAN.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John F. Pace, Robert W. Price, Charles Gordon, Jethro Rumble, Theodore F. Klutta, John J. Stewart, Moses A. Smith, Alexander Parker, William M. Barker, John G. E. Jland, C. S. Moring, William Howard, M. A. Bringle, Abner Pace, George B. Poulson, Julius D. M. Wesley, John J. Bell, Samuel R. Harrison, the present officers and members, and their associates, who are members of North State Lodge, number twenty-six, Independent Order of Odd Fellows, and their successors, be and they

Corporate name.

are hereby declared to be a community, corporation and body politic, by the name and style and title aforesaid, and by that name they and their successors shall and may, at all times, be capable in law to have, receive and retain to them and their successors, property both real and personal; also devises or bequests of any person or persons, bodies corporate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

Privileges.

SEC. 2. That the said corporation, and their successors, by the name and style and title aforesaid, shall be thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all and any judges, officers and persons whatsoever in all and singular actions, matters or demands whatsoever.

Seal.

SEC. 3. That it shall and may be lawful for the said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew from time to time as they may think best, and shall in general

have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations, and what may be necessary to the corporation herein constituted.

Ratified the 3d day of April, A. D. 1871.

CHAPTER LXXXIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE WARM SPRINGS COLONY, IN MADISON COUNTY, NORTH CAROLINA, RATIFIED THE FIFTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

SECTION 1. *The General Assembly of North Carolina do* Amendment.
enact, That the name and style of said corporation shall hereafter be "The Warm Springs Manufacturing Colony," and by such name the said corporation shall have all the rights, powers, privileges, franchises and immunities conferred upon the "Warm Springs Colony," by its charter, ratified the fifteenth day of February, one thousand eight hundred and seventy-one.

SEC. 2. That the powers, privileges, rights and immunities conferred upon the said corporation in said recited act, be and they are hereby extended and enlarged so as to confer upon said corporation all powers, privileges, rights and immunities that may be necessary for the purpose of manufacturing wood, leather, cotton, grain, and other articles in the said county of Madison, subject to all the rules, regulations and restrictions as now imposed by law and not inconsistent with the provisions of this act or of the act of which this is amendatory.

SEC. 3. This act shall be in force from and after its ratifica- When to be in
tion. force.

Ratified the 3rd day of April, A. D. 1871.

CHAPTER LXXXIV.

AN ACT TO APPOINT TRUSTEES TO THE PITT ACADEMY IN THE
TOWN OF GREENVILLE.

Preamble.

WHEREAS, By an act entitled "an act for the establishing an academy at the place heretofore called Martinsborough, in the county of Pitt, and for altering the name of Martinsborough to that of Greenville," Richard Caswell, Hugh Williams or William Blount, John Simpson and others were appointed trustees of "Pitt Academy," in the town of Greenville, with certain powers to them and their successors; and whereas, at this time no such body of trustees to said academy is in existence, whereby the powers and purposes of the aforementioned act can be exercised and put in force as therein prescribed; therefore,

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That William M. B. Brown, John S. Taft, Germain Bernard, Tilman R. Cherry, Marcellus Moore, William H. Tucker, John S. Smith, William J. Evans, James B. Cherry, Louis Hilliard, Simon B. Wilson and John G. James, be and they are hereby appointed a body corporate as trustees to the said academy, with such rights and powers as are conferred by the aforementioned act upon the original trustees therein named and their successors.

Act revised and
continued.

SEC. 2. That the act entitled as in the preamble named is hereby revised and declared to be in force so far as to give effect and continuance to the objects and purposes of the said act, and to clothe the trustees appointed by this act with the rights and powers conferred upon the original board.

Meeting.

SEC. 3. That the trustees aforesaid may hold their first meeting at such place and time as they shall appoint.

Quorum.

SEC. 4. That in the event of death, resignation or removal from the county, a quorum cannot be held to fill vacancies

in the board of trustees, then a less number in meeting assembled shall have power to fill such vacancies.

SEC. 5. That this act shall go into effect from and after its ratification. When act to take effect.

Ratified the 4th day of April, A. D. 1871.

CHAPTER LXXXV.

AN ACT FOR THE CONSTRUCTION OF A BRIDGE ACROSS THE YADKIN RIVER AT OR NEAR THE TOWN OF WILKESBORO,' NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That the commissioners of the county of Wilkes shall open books to solicit and receive voluntary subscriptions for the purpose of constructing a free public bridge across the Yadkin river at or near the town of Wilkesboro,' in the county of Wilkes, to the amount of five thousand dollars (\$5,000.) Commissioners may open books of subscription.

SEC. 2. *Be it further enacted*, That in case no part or all of said sum be not raised by subscription for said purpose by the first Monday of July next, then the said county commissioners be and they are hereby empowered to submit the question by ballot to the people of said county of Wilkes at the next ensuing election, to be held on the first Thursday of August, anno domini one thousand eight hundred and seventy-one, whether a special tax shall be levied upon the tax payers of said county for the purpose herein mentioned and not to exceed said sum of five thousand dollars, including all voluntary subscriptions, and that the question so voted upon shall be "Bridge" or no "Bridge." Question submitted to people.

SEC. 3. *Be it further enacted*, That a majority of the votes so determining at said election, the county commissioners for the purpose herein mentioned be and they are empowered to levy a special tax upon the tax payers of said county, sufficient to make up the said sum of five thousand Special tax.

Proviso.

dollars and in accordance with this act; *Provided*, no tax shall be levied on any person who subscribes more than he is liable to be taxed for said purpose.

Commissioners.

SEC. 4. *Be it further enacted*, That when the aforesaid sum of money shall have been raised in the manner and for the purpose mentioned herein, then T. A. Harris, J. M. Brown, Ruffin Kennedy, Hansla Hays, Linsey Jarvis, be and they are hereby appointed a board of commissioners to lay off and construct said bridge across the Yadkin river at such place as they, in their judgement, may deem most suitable and advantageous to the public.

Powers and privileges.

SEC. 5. *And be it further enacted*, That the aforesaid board of commissioners be and they are hereby authorized and empowered to lay off and establish a public highway, or highway on each side of said river to said bridge over the most suitable rout and the most practical points of the public roads now leading to and from the town of Wilkesboro', and if the said commissioners cannot obtain the right of way from the owners of the lands over which said road or roads are to pass on each side of the river without damage being claimed by said owners, then said owners and commissioners shall choose five disinterested free holders of the county of Wilkes to assess such damages as in their judgement may be a just and fair compensation to said land owners.

Damages.

SEC. 6. *Be it further enacted*, That if the aforesaid committee of free holders assess damages, the same shall be paid out of any funds in the county treasury not otherwise appropriated.

Contract for building.

SEC. 7. *Be it further enacted*, That the said board of commissioners are hereby authorized to let out the aforesaid bridge to the lowest bidder, being responsible by first giving thirty days notice in the Statesville *American*, and at such places as they in their judgement may deem necessary; *Provided however*, The person bidding off the same shall be required to enter into bond and approved security in the sum of ten thousand dollars for the faithful performance of his or their contracts; *Provided further*, The commissioners

Proviso.

shall have power to adopt such plan for the construction of said bridge as in their judgement they may deem best.

SEC. 8. *Be it further enacted*, That this act shall be in force. When to be in force.

Ratified the 4th day of April, A. D. 1871.

CHAPTER LXXXVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE McLEAN HOOK AND LADDER COMPANY, NUMBER ONE, OF THE TOWN OF FAYETTEVILLE.

SECTION 1. *The General Assembly of North Carolina do* Amendment. *enact*, That the officers and members of the McLean Hook and Ladder Company, number one, in the town of Fayetteville, chartered the twenty-eighth day of March, anno domini one thousand eight hundred and seventy, be and hereby are exempt from the payment of any poll tax to said town.

SEC. 2. That the chief fire warden of the town of Fayetteville shall be exempt from duty in the militia, from serving on juries and from poll tax to town. Exemptions.

SEC. 3. This act shall be in force from and after its ratification. When to be in force.

Ratified the 4th day of April, A. D. 1871.

CHAPTER LXXXVII.

AN ACT CONCERNING ROCK SPRING CAMP GROUND, IN THE COUNTY OF LINCOLN, STATE OF NORTH CAROLINA, AND TO INCORPORATE A BOARD OF TRUSTEES THEREOF.

SECTION 1. *The General Assembly of North Carolina do* Corporators. *enact*, That J. Lowe, J. B. Shelton, W. F. Howard, W. F. Relley, T. J. Thompson, J. W. Lowe, John R. Asbury, T.

- Corporate name.** J. Caldwell, W. Gabriel, and O. W. Gabriel, and their successors be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the "Trustees of the Rock Spring Camp Ground," situated and lying in Lincoln county, in the state, on the land formerly owned by Joseph M. M. Monday, and by him conveyed in fee simple to Freeman Shelton, Richard Proctor, Jas. Bevings and their successors in office, by deed dated seventh August, one thousand eight hundred and thirty, and by him signed, sealed and delivered to them in trust, for the use of the Methodist Episcopal Church, South, containing, by estimation, forty-five acres more or less; and the said trustees shall have succession and a common seal, and be capable in law to sue and be sued, plead and be impleaded in all courts of law and equity in this state; and they may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which may be given to them by will or otherwise for use of said camp-ground; also to demand, ask and receive any rents or profits arising from said land for the purpose aforesaid.
- Privileges.** *SEC. 2. Be it further enacted,* That the said trustees shall have power to grant, bargain and sell any and all such lands, rents, tenements and hereditaments as aforesaid, to any purchaser for the purposes of the act, and shall have power to elect their officers, consisting of chairman, secretary and treasurer, and to establish such rules and regulations for the observance of order, decorum and the removal of all nuisance from said camp ground, while occupied for worship, and at other times not inconsistent with the constitution and laws of this state.
- Officers.**
- Selling spirituous liquors forbidden.** *SEC. 3.* That it shall not be lawful for any person to sell or dispose of spirituous liquors at or within two miles of said camp ground, during the time of religious exercises thereat, and any person violating said prohibition, shall be guilty of a misdemeanor, and upon conviction thereof shall, for each offence be fined not less than ten nor more than twenty-five dollars or imprisoned not less than one nor more than three months at the discretion of the court.

SEC. 4. That in case of death or refusal to act or removal ^{Vacancy.} from the state, the remaining trustees shall have power to fill the vacancy; *Provided*, That their number shall not be less than five nor more than ten trustees.

SEC. 5. That this act shall be in force from and after its ^{When to be in} ratification. ^{force.}

Ratified the 4th day of April, A. D. 1871.

CHAPTER LXXXVIII.

AN ACT TO INCORPORATE THE ROANOKE AND TAR RIVER AGRICULTURAL SOCIETY.

SECTION 1. *The General Assembly of North Carolina do* ^{Corporators.} *enact*, That Richard H. Smith, Jesse W. Powell, Henry B. Hunter, William W. Brickell, Jordan Stone, Peter E. Smith, J. B. Zollicoffer, William H. Shields, G. H. Macon, E. A. House, R. P. Spiers, James Simmons, John Buxton Williams, James R. Thigpen, Jesse Y. Yeates, W. A. Johnston, M. W. Ransom, C. A. Branch, John Wilson, Joseph Phillips, Mills L. Eure, John C. Jacobs, C. B. Hassett, their associates and successors, now known, organized and associated as the Roanoke and Tar River Agricultural Society, having for its object the promotion of agricultural and the mechanic arts in the Albemarle and Pamlico country of which Weldon is the centre, be and they are hereby created a body politic and corporate, by the name and style of the Roanoke and Tar River Agricultural Society, ^{Corporate name.} and by that name may sue and be sued, plead and be impleaded, may purchase, acquire, lease, hold and transfer ^{Privileges.} real estate, may enforce their constitution and by-laws, may alter and amend the same as they may deem necessary and proper for governing the affairs of the corporation, and may do all other acts and things which in law a body politic and cor-

porate may of right do, not inconsistent with the constitution and laws of the United States and of this state.

Ween to be in
force.

SEC. 2. That this act is hereby declared a public act, and shall be in force from and after its ratification, and shall remain in force for the period of ninety years.

Ratified the 4th day of April, A. D. 1871.

CHAPTER LXXXIX.

AN ACT TO INCORPORATE THE ASHEVILLE SAVINGS BANK.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That W. D. Rankin, Montraville Patton, A. E. Hall, E. J. Aston, W. R. Young, T. H. B. Dukes, A. H. Polk S. W. Burgin, S. W. Roberts, A. T. Summey, J. E. Ray, W. P. Blair and L. W. Pease, and their associates, assigns and successors, be and are hereby created a corporation and body politic, by the name and style of the Asheville Savings Bank, and by that name may hold and possess property, sue and be sued, plead and be impleaded in any of the courts of this state, and have perpetual succession and a common seal, which they may alter at pleasure.

Corporate name.

Privileges.

Directors.

General meeting.

SEC. 2. That the seven persons first named in the first section of this act shall be and continue directors of the said corporation until the first Monday in January, anno domini, eighteen hundred and seventy-two, at which time a general meeting of the stockholders shall be held in the town of Asheville, and a majority of the stock of said corporation being represented by the members owning the same, either in person or by proxy; seven directors shall manage the affairs of the corporation for twelve months and until their successors shall be chosen, and the directors shall be annually elected at such time and places, and under such rules and regulations as in the by-laws may be directed and prescribed, and the directors shall elect one of their number

Election of
officers.

president for one year, and if a vacancy shall in any way occur in the directory, they shall fill the same by choosing some member to be a director until the next annual meeting of stockholders, and a majority of the directors shall constitute a quorum for the transaction of business. The number of directors of said corporation may be increased in any manner the by-laws shall prescribe. Quorum.

SEC. 3. That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier, and all such officers, agents and servants as they may deem necessary to conduct and expedite the affairs of the corporation, to fix their compensation and remove them at pleasure, to provide for taking bonds payable to said corporation, with security to be approved by them, in such sums as they may deem necessary from any or all of the officers, agents or servants by them appointed, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss, to regulate the terms of making and securing deposits, the forms of certificates to be issued to depositors, the manner of transferring stock in said corporation, to provide for the investment of the funds of said corporation in such manner as they shall deem most safe and beneficial, to provide for the admission of members and furnishing proof of such admission, to provide for paying all the necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the same by-laws to alter and repeal; *Provided*, That all such by-laws as may be made by the directors may be altered or repealed by a majority of the stockholders of said corporation, assembled at any annual meeting or a general meeting called in pursuance of any by-laws made for that purpose, and the stockholders may, at any general or annual meeting, pass by-laws which shall be binding on the directors; *And, provided further*, That the by-laws shall not be contrary to the laws of the state or the United States. Officers and servants.
Proviso.

SEC. 4. That the said corporation shall have power to Deposits.

receive from any person or persons or corporate bodies any deposits of money, and all moneys so received shall be invested in public stocks or other securities, at the discretion of the directors, in the manner deemed most safe and beneficial; *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note, or any other device in the nature of and intended to pass as a bank note.

Certificate of deposit.

SEC. 5. That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay the amount of such certificate at such time and with such interest, and on such terms as may be agreed on between the depositor and directors, and under such regulations as the directors shall from time to time prescribe, which regulations shall not be altered so as to affect any one who was a depositor previous to such alterations, and all certificates or evidences of deposit issued by the proper officers shall be as effectual to bind the said corporation as if under the seal thereof, and the directors, when they may deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

Penalties.

SEC. 6. That upon the demand of payment of any certificate of deposit issued as prescribed in section five, the proper notice having been given, and terms of deposit having been complied with by the depositor of the same, shall be refused or rejected, the said corporation shall pay the owner of such certificate two per cent. damages upon the amount thereof over and above the interest on the same, the amount of which certificate, damages and interest shall be recoverable before any jurisdiction having cognizance of the same.

Minors and married women may deposit.

SEC. 7. That said corporation shall have power to receive deposits of money, or other evidences of debt from minors or married women in their own names and to their own separate use, and the said corporation may pay to such depositors, from time to time all such sums as may be due them according to the provisions of this charter, and the receipts of such minors or married women shall be valid acquittances in law and equity without the intervention of or assent of either parent, guardian or husband.

SEC. 8. That the capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and each member shall pay one dollar per month on each share of stock owned by him until each share be paid in full. Capital stock.

SEC. 9. That in all discounts or loans made by said corporation, it shall not take more than the rate of interest allowed by the general laws of the state upon the subject of interest on money, but which interest shall be taken in advance at the time the money is lent, and the repayment of the sum lent shall be secured by the pledge of property with the power of sale thereof, or such other security as may be agreed upon by the borrower and the said corporation. Interest.

SEC. 10. That a committee of five stockholders shall be appointed once in six months to examine the affairs of said corporation, and report fully the general condition of the same, which report shall be spread upon the minutes of the directory, and shall at all times be open to the examination of any member of the corporation. Examining committee.

SEC. 11. That the directors of said corporation shall declare a dividend of the profits of the same after paying all expenses, either annually or semi-annually, as they may think best. Dividends.

SEC. 12. This act shall be in force from and after its ratification. When to be in force.

Ratified the 4th day of April, A. D. 1871.

CHAPTER XC.

AN ACT TO PROTECT THE CITY OF RALEIGH FROM ACCIDENT BY FIRE.

SECTION 1. *The General Assembly of North Carolina do enact, as follows,* The city of Raleigh shall have power to issue and sell bonds of the corporation bearing a rate of May issue bonds.

interest not exceeding eight per cent., the denominations, description, (whether coupon or otherwise) length of time to run and other incidents thereof to be determined by the commissioners of said city, said bonds not to exceed in the aggregate fifteen thousand dollars; *Provided*, That said bonds shall not be sold at a discount greater than fifteen per cent.

**Application of
proceeds.**

SEC. 2. The proceeds of the sale of such bonds shall be applied to the making of at least thirty cisterns in said city, to be located at such points as the commissioners may determine the same, to be used for the purpose of holding a supply of water ready for the extinguishment of fires.

Tax to pay interest.

SEC. 3. It shall be the duty of the commissioners of the city of Raleigh to levy and collect an annual tax on real and personal property, sufficient to pay the amount of interest on said bonds and also to create a sinking fund sufficient to discharge the principal in twenty years.

Trustees.

SEC. 4. Three trustees shall be elected by the commissioners, none of whom shall be a commissioner, and each of whom shall be the owner in his own right of at least two thousand dollars real estate unincumbered in the city, for the purpose of managing and investing the proceeds of the tax levied for creating the aforesaid sinking fund. The tax collector of the city shall pay over to said trustees all the proceeds of said taxes, and said trustees shall from time to time pay the interest on the against bonds, and the balance of said taxes they shall invest in bonds of the city of Raleigh or in United States bonds. The interest of such investment shall be invested likewise in like securities as fast as the same shall be collected.

**When act to take
effect.**

SEC. 5. This act shall not go into operation until ratified by a majority of the property holders who are electors of the city of Raleigh, voting at an election to be held after the first Monday in May, one thousand eight hundred and seventy-one. Thirty days notice being given of said election, (a copy of this act accompanying said notification,) by advertisement in the *Raleigh Telegram and Sentinel* daily, and by posting at the court house door.

Ratified the 4th day of April, A. D. 1871.

CHAPTER XCI.

AN ACT IN RELATION TO THE CORPORATE LIMITS OF THE
TOWN OF THOMASVILLE.

SECTION 1. *The General Assembly of North Carolina do enact*, That the corporate limits of the town of Thomasville, in the county of Davidson, shall extend one-fourth of a mile east and west beyond the corporate limits of said town as said limits existed prior to the sixth day of March, anno domini one thousand eight hundred and sixty-nine, provided the boundaries mentioned in this section be ratified and approved by a majority of the qualified voters residing within said boundaries. Boundaries extended.

SEC. 2. That an act entitled an act to extend the corporate limits of the town of Thomasville, ratified sixth day of March, anno domini one thousand eight hundred and sixty-nine, and all other laws and parts of laws inconsistent with this act be and the same are hereby repealed. Acts repealed.

SEC. 3. That it shall not be lawful for any person to sell or retail spirituous and intoxicating liquors in less quantities than three gallons within two miles of Thomasville female college in said town, and any person offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred nor more than two hundred dollars. Selling spirituous liquors forbidden.

SEC. 4. This act shall be in force from and after the date of its ratification. When act to be in force.

Ratified the 4th day of April A. D. 1871.

CHAPTER XCII.

AN ACT TO INCORPORATE THE WILMINGTON RAILWAY CO-
OPERATIVE ASSOCIATION.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That John F. Divine, George Hall, J. T. Alderman, S. L. Fremont, John C. Winder, William Green, Alexander Swann and such other officers, agents and employees of the several railways terminating in the city of Wilmington as may desire to form themselves into an association for the purpose of buying and selling family supplies for their mutual benefit, and their associates and successors are hereby incorporated as the "Wilmington Railway Co-operative Association," and under such name may acquire, hold and transfer property, may sue and be sued, plead and be impleaded, and may do all other acts and things whatsoever which incorporated companies by the laws of this state may of right do.

Corporate name.

Officers.

SEC. 2. That the officers of the association hereby incorporated shall be managed by a president and a board of directors, to be chosen in such manner as may be provided by the by-laws which the stockholders may hereafter make for the purpose of regulating the affairs of the corporation.

Capital stock.

SEC. 3. The capital stock of the corporation shall not exceed one hundred thousand dollars, the amount to be determined by the stockholders from time to time, and shall be divided into shares of ten dollars each, and each share shall be entitled to one vote in all meetings of the stockholders.

Corporate existence.

SEC. 4. The corporation hereby created shall have a corporate existence for thirty years, unless sooner determined by a majority of the stockholders.

Books of subscription.

SEC. 5. That any three of the incorporators herein named may call a meeting of the railway employees herein referred to, and open books of subscription to the capital stock, and when five hundred shares shall be subscribed and ten per

cent. of the par value of the shares so subscribed shall be paid up, the association shall be deemed in a condition to organize, and the stockholders shall proceed to make by-laws for the organization of the association.

SEC. 6. This act shall be in force from and after its ratification. When to be in force.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCIII.

AN ACT TO INCORPORATE REPUBLICAN STAR LODGE, NUMBER
THIRTEEN HUNDRED AND EIGHTY-FOUR, G. U. O. OF O. F.
IN THE TOWN OF ELIZABETH CITY.

SECTION 1. *The General Assembly of North Carolina do enact,* That the officers and members of Republican Star Lodge, number thirteen hundred and eighty-four, G. U. O. of O. F., in the town of Elizabeth City, North Carolina, be and they are hereby created a body politic and corporate under the name and style of Republican Star Lodge, number thirteen hundred and eighty-four, G. U. O. of O. F., and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and in general exercise and enjoy all such rights and privileges as are usually enjoyed and incident to corporate bodies of like nature. Corporators. Privileges.

SEC. 2. This act shall be in force from and after its ratification. When to be in force.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCIV.

AN ACT TO INCORPORATE CHRIST CHURCH RELIEF SOCIETY OF
NEWBERN, NORTH CAROLINA.**Corporators.**

SECTION 1. *The General Assembly of North Carolina do enact*, That Jane G. Hughes, Annie M. Hughes, Susan S. Guion, Lavinia E. Roberts, Geo. H. Roberts and Henry C. Pool, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by

Corporate name:

the name and style of "Christ's Church Relief Society, of Newbern North Carolina," and as such shall have succession and may have and use a common seal, and change the same at pleasure, and shall be capable to sue and be sued, plead and be impleaded in any court, and may also have, use, exercise and enjoy all the powers, privileges and

Privileges and objects.

rights, proper and necessary for the aid, relief, support and kindly care of the poor of Christs' church parish, Newbern; and shall have power to purchase, hold or sell and dispose of every species of estate, real or personal, as they may require for the purposes aforesaid, and may also receive donations and gifts of any kind for the purposes aforesaid.

Officers.

SEC. 2. That the officers of said society shall be a president, three vice-presidents, a treasurer and secretary, to be chosen by the corporators at their first meeting, who shall hold their respective offices for one year and until their successors are appointed, and the said officers and their successors in office or a majority of them, shall have authority to manage the affairs of said company under such regulations as shall be prescribed by virtue of the by-laws of the society, and the said officers are also authorized to fill any vacancy occurring from any cause in their board until the next regular election of officers thereof.

By-Laws.

SEC. 3. That said society shall have power to make from time to time all necessary by-laws, rules and regulations, which shall be binding on said society.

When to take effect.

SEC. 4. This act shall take effect from and after its ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCV.

AN ACT TO INCORPORATE THE FIRST BUILDING AND LOAN ASSOCIATION OF STATESVILLE, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do enact*, That S. A. Sharpe, W. A. Eliason, P. C. Carlton, E. B. Stinson, J. S. Miller, J. Wallace, E. B. Drake, C. L. Summers, W. H. Morrison, J. W. Woodard, L. F. May, and D. A. G. Palmer, their associates, successors and assigns, and any and all those who have heretofore associated with them under articles of agreement for the purposes contemplated by this act, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name and style of the First Building and Loan Association of Statesville, North Carolina, and by that name they and their associates and successors shall and may have continual succession and a common seal, which they may alter and change at their pleasure, and shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all and every manner of actions, suits, complaints, matters and causes whatever, and by the corporate name aforesaid shall and may be capable of purchasing, holding and conveying each and every estate, real and personal, necessary to a safe, useful and profitable investment and re-investment of the funds belonging to said association, and the convenient and proper transaction of its business.

Corporators.
Corporate name.
Privileges.

SEC. 2. That the property, business and affairs of said association shall be managed and controlled by a board of directors, and by such officers and agents as said board may deem necessary to appoint. The board of directors shall consist of not less than five nor more than nine members, a majority of whom shall at all times be a quorum, unless the by-laws should prescribe for special purposes a greater or smaller number. That said board of directors shall be annually elected by the stockholders, at such time and place, and in such manner, and by such votes, as may from time to

Board of directors.

to time be prescribed by the by-laws ; *Provided*, That the present board of directors and the officers by them and said association heretofore appointed shall continue in office until their successors are regularly elected and appointed. Should a vacancy occur in said board by death, resignation or otherwise, such vacancy may be filled by a quorum of the remaining directors, or in such other manner as the by-laws of the association may prescribe.

By-Laws and regulations.

SEC. 3. That the board of directors shall have power to prescribe and make by-laws, rules and regulations for their own government and for the government of the officers, agents and members of the association, as to them shall appear needful and proper, for the management, investment and disposition of the funds, property, estate and effects of said association, and for the regulation and management of all and every matter necessary to execute the powers or any of them, granted by this act and in any manner appertaining to the business thereof ; to fix and prescribe the amount of assessments on the shares, the modes and times of paying the same, and to fix the fines and forfeitures for the non-payment, and to make all necessary rules and regulations, in any manner relating to the payment, redemption, assignment and forfeiture of said shares ; *Provided*, said by-laws, rules and regulations, and any and all alterations and amendments thereof, shall be submitted to the stockholders in regular meeting and adopted by them.

Officers and agents.

SEC. 4. That said board of directors shall have power to elect and appoint all such officers, agents and servants as the business of the association requires ; to fix the compensation and prescribe the duties of such officers, agents and servants, and for good cause to remove them, and to take such bond or bonds from any of such officers, and other persons, as they may at any time prescribe ; *Provided*, That the members of said association do not, at their regular meeting, elect to appoint such officers, agents and servants, and to execute any or all the power concerning those herein granted to said board ; *Provided*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States and of this state.

Proviso.

SEC. 5. That the members of said association shall consist Membership.
of those who own one or more shares, and shall be entitled
to vote in all elections, and at all meetings of the stock-
holders in person or by written proxy, in such manner and
under such rules, regulations and restrictions as may be pre-
scribed in the by-laws. The ultimate or par value of each Value of shares.
share shall be one hundred dollars, and the number of shares
composing or to compose any one class may be prescribed
and limited as the association at a regular meeting of the
share holders may direct, and if in the opinion of the share
holders, the wants of the community require it, said associa-
tion shall be and they are hereby authorized and empowered
to establish one or more additional class or classes of shares
under such rules, regulations and restrictions for issuing,
paying and redeeming the same as to them shall appear ex-
pedient and proper; and from time to time to declare such
dividend or dividends on the shares in each class, as the
business of the association justifies, and as they may deem
to the interest of the share holders.

SEC. 6. That all contracts and agreements heretofore Contracts, agree-
ments, &c.
made and entered into by said association, or by the properly
constituted officers thereof, now existing and in force, and all
deeds, bonds and notes, mortgages and other securities
taken by said association for securing the payment of money
advanced or for other purposes, and all assignments and re-
demption of shares heretofore made, are declared to be legal
and of full force and effect, and said association by its cor-
porate name may collect such bonds, notes and other secu-
rities, and compel the execution of all such contracts and
agreements by suit or otherwise, in the same manner and to
the same extent as if said association had been incorporated
when the same were made and entered into; and may collect
all fines, dues and forfeitures now owing and unpaid, and
any and all others to be hereafter owing and unpaid, in such
manner as is provided for in the by-laws.

SEC. 7. That this act shall be in force from and after its When to be in
force.
ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCVI.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE WAYNESVILLE FEMALE ACADEMY TO TRANSFER THIS PROPERTY TO THE WAYNESVILLE ACADEMY ASSOCIATION.

Transfer authorized.

SECTION 1. *The General Assembly of North Carolina do enact*, That the trustees of the "Waynesville Female Academy" be and they are hereby authorized to sell and transfer, by proper deeds of conveyance, the said academy, together with the lot on which it stands, and to turn over the money realized in such sale to the Waynesville Academy Association, to be used in the construction of the building for school purposes, now under contract.

When act to be in force.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCVII.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALISBURY.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That no person shall be entitled to vote at any municipal election in the town of Salisbury, unless he shall be an elector of the state of North Carolina, and shall have resided within the corporation ninety days next preceding the day of election.

Eligibility to office.

SEC. 2. That no person shall be eligible to hold any office in the town of Salisbury unless he shall be a qualified voter as prescribed in the preceding section, and the salary of the mayor shall not exceed two hundred dollars per year.

Commissioners.

SEC. 3. That the board of commissioners shall have power to levy and collect a tax on all polls not exceeding:

two dollars and on all taxable property belonging to property owners not exceeding thirty cents on one hundred dollars of valuation for the purpose of fencing, enclosing and protecting the Lutheran burying ground ; such tax to be a special tax, and when collected it shall be used for no other purpose than that for which it was levied.

SEC. 4. That the board of commissioners shall have power to purchase for, and in the name of the town of Salisbury, a tract of land, not exceeding twenty-five acres for the purpose of a cemetery or burying ground. Such land shall be convenient to, but may be beyond the corporate limits of the town of Salisbury, and when so purchased, shall be forever exempt from taxation. Powers of commissioners.

SEC. 5. That the board of commissioners, after having purchased a tract of land as provided for in the fourth section, shall have power to make all necessary rules and regulations for the protection, government and management of the same, but they shall proceed at once after having made the purchase, to divide a portion thereof into lots of suitable size for families, and after they shall have completed division aforesaid into lots, numbered the same, they shall advertise a sale thereof for not less than twenty days and sell them at public auction to the highest bidder, and upon the payment of the purchase money, the intendant shall execute a deed for the same to the purchaser which shall vest the lot sole in him, his heirs and assigns forever, subject to the rules and government of the board of commissioners, and such land, whether owned by the town of Salisbury or by individuals, shall be forever exempt from sale under execution. And the board of commissioners shall allot and set apart a suitable portion of said land for a burying place for the poor of the town. But no person shall be permitted to take charge of or appropriate to his own use or dig a grave upon any portion of said land if able to purchase without having purchased and paid for the same, if unable to purchase without the consent of the constituted authority for the government of the same. Powers.
Rules and regulations.

SEC. 6. That the proceeds of the sale of family lots in the

Proceeds of sale
of lots.

burying ground shall be applied to no other purpose than paying back the original purchase money, with interest thereon to the town of Salisbury, to defraying the expenses incident to the preparation and keeping up of the burying ground, and beautifying and ornamenting the same.

Laws repealed.

SEC. 7. That all laws and clauses of laws coming in conflict with this act, be and the same are hereby repealed.

When act to be in
force.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCVIII.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT AND FIFTY-NINE, ENTITLED AN ACT TO INCORPORATE THE MEDICAL SOCIETY OF THE STATE OF NORTH CAROLINA, AND FOR THE ESTABLISHMENT OF MEDICAL BOARD OF EXAMINERS, RATIFIED THE SEVENTEENTH DAY OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE.

Amendment.

SECTION 1. *The General Assembly of North Carolina do enact*, That chapter two hundred and fifty-eight of the private laws of one thousand eight hundred and fifty-eight and fifty-nine be amended by striking out section ten thereof and inserting in lieu thereof the following: Section 10. *Be it further enacted*, That the board of medical examiners there appointed shall assemble at the same times and places, when and where the aforesaid medical society assembles, which said society shall assemble at least once in each and every year at such time and place as the said society at its next preceding meeting shall have fixed; and the said board shall remain in session from day to day until all applicants who may present themselves for examination within the

first five days after its meeting shall have been examined and disposed of.

SEC. 2. That the said chapter be further amended by striking out section fourteen thereof, and inserting the following: Sec. 14. *Be it further enacted*, That the members of the said board shall receive as a compensation for their services four dollars each per day during the time of their session, and in addition thereto their travelling expenses to and from their places of meeting by the most direct route from their respective places of residence, to be paid by the secretary of the board out of any moneys in his hands, upon the certificate of the president of the board of medical examiners. Further amendment.

SEC. 6. That this act shall be in force and effect from and after the date of its passage. When act to be in force.

Ratified the 5th day of April, A. D. 1871.

CHAPTER XCIX.

AN ACT CONCERNING "BALL'S CREEK CAMP GROUND" IN THE COUNTY OF CATAWBA, STATE OF NORTH CAROLINA, AND TO INCORPORATE A NEW BOARD OF TRUSTEES THEREOF.

SECTION 1. *The General Assembly of North Carolina do enact*, That Jonas Cline, M. B. Trollinger, M. A. Abernathy, C. M. Lawrence, W. E. Jones, Allen Jones, John L. Grice, Wm. H. Aderhold, Wm. E. Lawrence, P. C. Shufford and their successors, be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the "Trustees of the Ball's Creek Camp Ground," situated and lying in Catawba county, in this state, on the land that was conveyed for that purpose in *fee simple* to George S. Hooper, Henry Cline, Elias Smyer, Hend Sherrill and John F. Payne, in trust for the use of the Methodist Episcopal Church, south, containing by estimation forty acres, be the same more or less, and the said Corporators.
Corporate name.

trustees shall have succession and a common seal, and be capable in law to sue and be sued, plead and be impleaded in all courts in this state, and they may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which may be given to them by will or otherwise for the use of said camp ground, also to demand, ask and receive any rents and profits arising from said land for the purpose aforesaid.

Powers.

SEC. 2. *Be it further enacted,* That the said trustees shall have power to grant, bargain and sell any and all such lands, rents, tenements and hereditaments as aforesaid to any purchaser for the purpose of this act, and shall have power to elect their officers, consisting of a chairman, secretary and treasurer, and to establish such rules and regulations for the observance of order, decorum and the removal of all nuisances from said camp ground while occupied for worship, and at other times not inconsistent with the constitution and the laws of this state.

**Selling spirituous
liquors forbidden.**

SEC. 3. That it shall not be lawful for any person to sell spirituous liquors at or within two miles of said camp ground during the time of religious exercises thereat, and any person violating said prohibition shall be guilty of a misdemeanor, and upon conviction thereof shall, for each offence be fined not less than ten nor more than twenty-five dollars, or imprisoned not less than one nor more than three months, or both at the discretion of the court.

Vacancy.

SEC. 4. That in case of death or refusal to act, or removal from the state, the remaining trustees shall have power to fill the vacancy; *Provided,* That their number shall not exceed ten nor be less than five trustees.

**When act to be in
force.**

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER C.

AN ACT TO INCORPORATE THE MAGNOLIA SAVINGS BANK, IN
THE TOWN OF MAGNOLIA, COUNTY OF DUPLIN, AND STATE
OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Corporators..
enact, That W. T. Hannaford, L. A. Merrimon, L. A. Powell
and John Barden, and such other persons as may be asso-
ciated with them and their successors, be and they are hereby
created a corporation and body politic, by the name and
style of the "Magnolia Savings Bank," in the town of Mag-
nolia, county of Duplin, and state of North Carolina, and by
that name may hold and possess property, both real and per-
sonal, sue and be sued, plead and be impleaded in any of the
courts of the state, and have perpetual succession and a
common seal, which they may alter at pleasure.

SEC. 2. That L. A. Powell, W. T. Hannaford and L. A. Directors.
Merrimon, shall be and continue directors of said corpo-
ration until the first Monday in June, eighteen hundred
and seventy-one, at which time a general meeting of
the stockholders shall be held in the town of Magnolia,
and a majority of the stock of said corporation being
represented by the members owning the same, either
by person or proxy, three directors shall be chosen to
manage the affairs of the corporation for twelve months, and
until their successors shall be chosen, and the directors shall
be annually elected, at such time and place and under such
rules and regulations as in the by-laws may be directed and
prescribed, and the directors shall elect one of their number
president for one year, and shall elect another of their number
vice-president for the same period; and if a vacancy shall
in any way occur in the directors, they shall fill the same by
choosing some member to be director until the next annual
meeting of the stockholders, and a majority of the directors
shall constitute a quorum for the transaction of business.

Officers and agents.

SEC. 3. That the directors for the time being, or a majority of them, shall have power to appoint a treasurer or cashier, and all such officers, agents and servants as they may deem necessary to conduct and expedite the affairs of the corporation, to fix their compensation and to remove them at pleasure; to provide for taking bonds payable to said corporation, with security to be given by them in such sums as they may deem necessary from any and all officers, agents and servants appointed by them, conditioned in such form as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from loss, to regulate the terms of making and securing deposits, the form of certificates to be issued to depositors, the manner of transferring stock in said corporation, to provide for the investment of the funds of said corporation in such manner as they shall deem most safe and beneficial, to provide for the admission of members and furnishing proof of such admission, to provide for paying all necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws as shall be deemed necessary to the exercise of the powers vested in said corporation by this charter, and the said by-laws to alter or repeal; *Provided*, that all such by-laws as may be made by the directors may be altered or repealed by a majority of the stockholders at any general meeting; and the stockholders may at any general meeting pass by-laws which shall be binding on the directors; *And Provided further*, That the by-laws shall not be contrary to the laws of this state or the United States.

Proviso.**Powers and privileges.**

SEC. 4. That the said corporation shall have power to receive from any person or persons or corporate bodies, any deposit of money; and all moneys so received shall be invested in public stocks or other securities at the discretion of the directors, in the manner deemed most safe and beneficial; *Provided*, That nothing herein contained shall authorize said corporation to issue any bill or note, or any other device in the nature of, and intended to pass, as a bank note.

Certificates of deposit.

SEC. 5. That certificates of deposit shall be issued to each depositor for the sum deposited by him, promising to pay

the amount of such certificate at such time, with such interest and on such terms as may be agreed upon between the depositor and the directors, and under such regulations as the directors may from time to time prescribe, which regulations shall not be attended so as to effect any one who was a depositor previous to such alteration, and all certificates or evidences of deposit issued by the proper officers shall be as effectual to bind said corporation as if under the seal thereof; and the directors, when they deem it necessary to do so, shall have power to make special contracts with depositors in said corporation.

SEC. 6. That if upon demand of payment of any certificate of deposit issued as prescribed in section five of this act, the proper notice having been given and terms of deposit complied with by the depositor, the same shall be refused or neglected, the corporation shall pay to the owner of such certificate two per cent. damages upon the amount thereof, over and above the interest on the same; the amount of which certificate, damages and interest, shall be recoverable before any jurisdiction having cognizance of the same.

Penalty for refusing to pay certificates.

SEC. 7. That said corporation shall have power to receive deposits of money, or other evidences of debt, from minors and married women in their own name and to their own separate use, and said corporation may pay to such depositors from time to time all such sums as may be due them, according to the provisions of this charter, and the receipts of such minors and married women shall be valid acquittances in law and in equity without the intervention or assent of either parent, guardian, or husband.

Deposits.

SEC. 8. That the capital stock of said corporation shall not be less than thousand dollars, nor more than fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and five per cent. of the capital stock shall be paid in before this charter shall go into effect, and a good and sufficient bond with security shall be deposited with the directors for the payment of the balance, whenever by a vote of the stockholders it may be called for.

Capital stock.

SEC. 9. That in all discounts or loans made by said cor-

Interest.

poration, the interest shall be paid in advance at the time the money is loaned.

Examining committee.

SEC. 10. That a committee of five shall be appointed once in six months to examine the books of said corporation and report fully the general condition of the same, which report shall be spread upon the minutes of the directors, and shall at all times be opened for the examination of any member of the corporation or other person having competent authority to examine the same.

Membership.

SEC. 11. That certificates of stock in said corporation shall be issued to each member when his contribution shall amount to as much as one share in the same, and to all persons who may take stock therein in shares of one hundred dollars each for the number of shares owned, contributed or taken by them, and new members may be admitted upon such terms as may be prescribed by the by-laws.

Dividends.

SEC. 12. That the directors of said corporation shall declare a dividend of the profits of the same, after paying all expenses, either annually or semi-annually, as they shall think best.

Corporate existence.

SEC. 13. That the said corporation shall continue until the year one thousand nine hundred and twenty.

When act to be in force.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER CI.

AN ACT APPOINTING A WEAIGHER OF COTTON AND A WEAIGHER AND INSPECTOR OF COTTON AND FLOUR AND SALT FISH FOR THE CITY OF RALEIGH.

Weigher and inspector.

SECTION 1. *The General Assembly of North Carolina do enact,* That there shall be a weigher of cotton and a weigher and inspector of flour and salt fish in the city of Raleigh.

SEC. 2. That the commissioners of the city of Raleigh shall, at their first meeting after the ratification of this act, appoint a weigher of cotton and a weigher and inspector of flour and salt fish, for one year thereafter, and annually thereafter the like appointment shall be made by them; *Provided*, The said commissioners shall not appoint any person to said office whose appointment is not recommended and approved by the board of trade of the city of Raleigh. Commissioners to appoint.

SEC. 3. Such appointee shall give bond with not less than two solvent and sufficient sureties in the sum of ~~five~~ thousand dollars, payable to the state of North Carolina, and conditioned for the faithful performance of his duties; said bond to be approved by the board of trade of the city of Raleigh and may be put [in] suit on the relation of any person injured by the neglect or misconduct of the officer. Bonds.

SEC. 4. Such weigher of cotton and weigher and inspector of flour and salt fish, when required so to do, shall weigh all baled cotton sold and delivered within the city limits and make all just and fair deductions for wet, dirt and excess of tare; shall inspect and weigh all packed and barrel flour sold and delivered in the city limits, not previously inspected and put his brand or mark on each package of ~~flour~~ and the weight and quantity in figures and letters; shall weigh and inspect all salt fish sold and delivered in the city limits not previously inspected. Duties.

SEC. 5. The charge for weighing each bale of cotton shall be fifteen cents, and on each barrel of flour, five cents; on each package less than a barrel, three cents; and on each barrel of salt fish, ten cents; the said charges for weighing cotton, and weighing and inspecting flour and fish to be paid by the seller. Charges.

SEC. 6. Said inspector and weigher shall keep an office on market square to be open from sunrise to ~~sunset~~ each day from September the first to April the first, and from seven a. m. to four p. m., from April the first to September the first, Sundays excepted. Office.

SEC. 7. Such weigher and inspector shall be governed by Rules and regulations.

- such rules and regulations as may be adopted and prescribed by the board of trade of the city of Raleigh.
- Who may be appointed.** SEC. 8. No person shall be appointed weigher and inspector who deals in the articles weighed and inspected under this act during his term of office, and any weigher and inspector so dealing or guilty of unfairness in the duties of his office shall be removed on complaint of the board of trade of the city of Raleigh.
- Vacancy.** SEC. 9. Should a vacancy occur in the office of weigher and inspector from any cause not provided for in this act, the directors of the board of trade of this city are authorized and empowered to fill such vacancy, when the board of commissioners of this city on their first meeting shall fill the same in the manner provided for in this act.
- Deputy.** SEC. 10. It shall be lawful for said weigher and inspector to appoint a deputy for whose acts said inspector and weigher shall be responsible on his bond.
- When act to be in force.** SEC. 11. That this act shall be in force from and after its ratification.
- Ratified the 5th day of April, A. D. 1871.

CHAPTER CII.

AN ACT TO INCORPORATE THE CAPE FEAR GUANO COMPANY.

- Corporators.** SECTION 1. *The General Assembly of North Carolina do enact*, That Duncan M. Buie, William A. Cummings, W. H. Northup, James A. Williard, Archibald R. Black and Charles Duffie and such persons as are or may hereafter be associated with them, their successors and assigns, shall be and are hereby created, constituted and declared a body corporate and politic by the name of the Cape Fear Guano Company, and by that name they and their successors may and shall have succession for a period of thirty years.
- Corporate name.**
- Capital stock.** SEC. 2. That the capital stock of said company shall con-

sist of fifty thousand dollars divided into shares of fifty dollars each, with the privilege of increasing said capital stock to one hundred thousand dollars, which stock is hereby declared to be personal estate.

SEC. 3. That the said company shall have and enjoy all the rights and privileges and be subject to all the regulations and penalties that are contained in the twenty-sixth chapter of the revised code, entitled corporations. Rights and privileges.

SEC. 4. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 5th day of April, A. D. 1871.

CHAPTER CIII.

AN ACT TO INCORPORATE THE WILMINGTON AND CHARLOTTE OCEAN STEAMSHIP COMPANY, AND TO AUTHORIZE THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAILROAD COMPANY AND OTHER RAIL COMPANIES IN THIS STATE TO SUBSCRIBE FOR STOCK IN SUCH CORPORATION.

SECTION 1. *The General Assembly of North Carolina* Corporators.
do enact, That Silas N. Martin, Edward Kidder, F. W. Kerchner, M. Cronly, John L. Brown, R. M. Oates, R. Y. McAden, S. L. Fremont, and their associates and successors, are hereby incorporated under the name and style of "The Name.
Wilmington and Charlotte Ocean Steamship Company," and by such name may acquire, own and transfer property, sue and be sued, plead and be impleaded, and to do and perform all other acts and things which an incorporated company by the laws of this State may of right do, and not inconsistent with the laws and constitution of the United States, or of this state, and especially own and run steamships or steamboats between Wilmington and New York or elsewhere.

SEC. 2. The capital stock shall not exceed three millions Capital stock.

of dollars, and the company may organize and commence business when a bona fide supscription of one hundred thousand dollars shall have been made and four per cent. paid thereon in shares of hundred dollars each.

Railroads may
subscribe to
stock.

SEC. 3. The Wilmington, Charlotte and Rutherford Railroad Company, and any other railroad company or companies chartered by the laws of this state, may subscribe to the capital stock of this company in such sums as their respective boards of directors may authorize.

Where steamers
to navigate.

SEC. 4. The steamers of this company may navigate the waters of North Carolina and ocean contiguous, with or without pilots, at their option, and without any liability therefor.

When act to be in
force.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 5th day of April, A. D. 1871.

CHAPTER CIV.

AN ACT FOR THE INCORPORATION OF ROWAN ENCAMPMENT, NUMBER FOURTEEN OF THE INDEPENDENT ORDER OF ODD FELLOWS, OF THE COUNTY OF ROWAN, AND STATE OF NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Julius D. McNeely, Lethan Rumble, Wm. M. Barher, L. W. Pace, Alexander Parker, Wm. Howard, J. J. Stewart, Moses A. Smith, Abner Pace, T. F. Brown, John G. Eglands, C. S. Moring, Wm. F. Henderson, Victor Wallace, John W. Bitting, the present officers and their associates who are members of the Rowan Encampment, number fourteen of the Independent Order of Odd Fellows situated in the city of Salisbury, county of Rowan, and state of North Carolina, and their successors be and they are hereby declared to be a community corporation and body politic by the name

and style and title aforesaid, and by that name they and their successors shall, and may at all times hereafter be capable in law to have, receive and retain to them and their successors property both real and personal. Also devise or bequests of any person or persons, bodies corporate or politic capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

SEC. 2. And be it enacted that the said corporation and their successors by the name and style and title aforesaid shall be forever thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered into, defend and be defended in all or any courts of justice, and before all or any judges, officers or persons whatsoever, in all and singular actions or demands whatsoever. Powers and privileges.

SEC. 3. And be it enacted that it shall and may be lawful for the said corporation to have a common seal for their use and benefit, and the same at their will and pleasure to change, alter and make new from time to time as they may think best, and shall in general have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations, and may be necessary to the corporation herein constituted. Seal.

Ratified the 5th day of April, A. D. 1871.

CHAPTER CV.

AN ACT TO INCORPORATE THE LAND IMPROVEMENT COMPANY OF NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina* Corporators.
do enact, That Thomas H. Leary, A. B. Longaker, D. M. Carter, Charles Latham, Edward Wood, H. A. Gilliam and C. C. Pool, and such other persons as may become associated with them, and their successors, be and they are hereby

- Corporate name.** created a body politic and corporate, by the name, style and title of the Land Improvement Company of North Carolina, and by that name and title they shall be known and have
- Powers.** perpetual succession, and be capable of suing and being sued impleading and being impleaded, and of receiving, using, holding, granting and conveying property, real, personal and mixed, and of improving the same by the erection of dwellings, tenant houses, barns and so forth, and with the privilege of constructing such other works and improvements as may be deemed expedient and proper by them; and also to lease and to farm, let or dispose of in fee simple or otherwise, of the whole or any part of their property, real personal or mixed, with or without improvements, and of all the products or profits of the same, in such markets and places, and at such prices, and on such terms as to them shall seem advisable; *Provided*, The said company shall at no one time hold more than fifty thousand acres of land within this state.
- Object.** SEC. 2. That the object of said corporation shall be the promotion of the settlement and cultivation of the uncultivated and unproductive lands of this state; and in order to secure settlers and purchasers or tenants, the means and capital necessary for the cultivation and improvement of said lands, and for the better holding and obtaining their farm stock, implements and farming utensils, and household goods, the said tenants or purchasers may execute and deliver to the said corporation a chattel mortgage upon their live stock, growing crops, farm implements, household goods and other property, at a rate of interest mutually agreed upon, and therein expressed, not exceeding ten per centum per annum, which said mortgage, if recorded at any time within thirty days from the date of its execution and delivery in the proper office, within the county in which said goods and chattels are located, shall be and remain the first lien upon the chattels, goods and things therein enumerated; and also to sell and convey the said real estate, or any portion of the same, subject to a mortgage, or other incumbrance for the whole or any portion of the purchase money, at a

rate of interest not exceeding ten per centum per annum, payable at such times as may be mutually agreed upon between the parties; and also the said corporation may and shall have the right and power to lease, hire or rent to its tenants or purchasers, of the said real estate, for the period of one or more years, farm implements, live stock and the increase thereof, machinery, household goods, fixtures and other chattels necessary for the use and enjoyment of the said tenants or purchasers, in and about any business carried on by them, for and upon such terms and payments as may be mutually agreed upon, which lease when so recorded as aforesaid shall operate as a notice to all the world that the tenant or lessee has no absolute property therein, but that the right of absolute property and title is in and remains with the said corporation; the lessor, under and subject to the several stipulations set forth in the said agreement of lease, and the grantees of the said corporation, whether by lease, purchase, or otherwise, may be aliens as well as citizens of the United States of America.

SEC. 3. The capital stock of the said company shall be Capital stock.
one hundred thousand dollars, with the privilege of increasing the same from time to time to five hundred thousand dollars, to be divided into shares of fifty dollars each, which said capital stock may be used for and be appropriated to the purchase of real estate, and for the purposes set forth in the first section of this act, or may be sold at such price and upon such terms as the said corporation may determine, and the same shall not be subject to any future assessments or further calls, and all the property held by the said company shall be held and enjoyed, and transmitted as personalty.

SEC. 4. The said company shall have power to make and Mortgages;
create mortgages on any part or on the whole of its property, real, personal or mixed, and borrow money at a rate of interest not exceeding that allowed by law, and may increase its resources from time to time by obtaining money upon a pledge of their property or without a pledge.

SEC. 5. That the said corporation shall have the right to Directors.
fix the number of directors by their by-laws, a majority of

whom shall be a quorum, one of whom shall be president, to be elected by them, and may elect one of their number secretary, and one of their number treasurer, and fix such compensation as they may deem necessary, if no compensation be provided by the by-laws, and the said directors and officers shall hold their offices for such term as may be provided by the by-laws or until their successors shall have been elected; the directors shall be citizens of the United States, and the principal office of the said company or place of business shall be at such place in this state as shall be agreed upon by a majority in interest of the stockholders; and branch offices at such places as may be designated by the stockholders.

Principal office.

By-Laws and registration.

SEC. 6. The said corporation shall be and is hereby authorized to make all such by-laws and regulations to enable them to carry out the business and objects of the corporation as they may deem proper, and to alter and amend the same at pleasure, but no by-law shall be made contravening the terms of this charter, the constitution of this state and of the United States. The said corporation may fix and elect or appoint its own officers and agents, and remove them at pleasure; may adopt a corporate seal, and alter the same; may make and issue capital stock, and sell the same, and fix the amount of shares and the saleable value of the same, and issue certificates therefor, representing the value of their property in such form, and subject to such regulations and interests as it may from time to time prescribe; and may regulate and prescribe in what form and manner their contracts and obligations shall be made and executed; may fix the number of directors of the corporation, and increase or diminish their number, and fix their term of service; may, by a vote of two-thirds of interest of the stockholders called by such number as may be designated by the by-laws, stating the purpose of the meeting, remove any director, officer or agent, and appoint successors to fill the vacancies so made, or abolish the office or the agency.

Removal of officers.

Corporate existence.

SEC. 7. That this act shall continue in force for the period of thirty years, unless it shall be sooner dissolved by a ma-

majority in interest of the stockholders, and said dissolution shall be effected in such way and subject to such rules and regulations as may be agreed upon from time to time by a majority in interest of the stockholders.

SEC. 8. That this act be in force from and after its ratification. When act to be in force.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CVI.

AN ACT TO AUTHORIZE THE ELIZABETH CITY SHIP BUILDING ASSOCIATION.

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That William H. Hainey, Jos. Summeral, Timothy Hunter, A. T. Woodley, John F. Davenport, William T. Martin and their associates, successors and assigns, be and are hereby constituted a body politic and corporate, under the name and style of the Elizabeth City Ship Building Association, for the purpose of building, repairing, fitting, purchasing, selling, holding and receiving, mortgaging or leasing vessels to be propelled by hand, sail or steam, to continue for thirty years, with power to make and use a common seal, Powers.
 to make such by-laws, rules and regulations as to them may seem proper for their purposes not inconsistent with the constitution and laws of this state or of the United States, with power to change, alter or amend the same when deemed necessary, to sue and be sued, plead and be impleaded, and to have and exercise all the rights, privileges and immunities pertaining to corporations under the laws of this state.

SEC. 2. The capital stock of this corporation shall not be Capital stock.
 less than ten or more than twenty-five thousand dollars, and shall be divided into shares of fifty dollars each.

SEC. 3. The said corporators, their associates, successors Rights.
 and assigns shall have the right to invest such portion of their capital stock in real estate as may be necessary for their purposes, and in such personal estate as may be for

the interest thereof, and such real and personal estate may be received in payment for subscriptions to the capital stock of said corporation, the subscription to the capital stock to be obtained by opening books for general subscription or by private and personal subscription as said corporation may deem most advisable.

SEC. 4. That said corporation may commence operations when ten thousand dollars of the capital stock has been subscribed and twenty-five per cent. thereon has been actually paid in and not before.

Subscriptions.

SEC. 5. That all subscribers to the capital stock who shall not have paid their subscriptions according to the terms agreed upon, shall be liable to the creditors of the corporation for all amounts remaining unpaid upon their subscriptions, and may be proceeded against in the usual way and manner for the same.

Board of managers.

SEC. 6. The business of said corporation shall be managed by a board of managers of not less than three or more than five, one of whom shall be president. The directors shall be annually chosen by a vote of the stockholders in said corporation, (one third of whom in interest shall constitute a quorum for that purpose) but a failure to elect shall not work a forfeiture of the charter, but the officers and directors of the previous year shall continue in office until their successors are chosen. At all meetings of the stockholders each share shall be entitled to one vote which may be cast in person or by proxy. The place of meeting of the stockholders and time shall be fixed by the directors and notice thereof given.

Directors.

SEC. 7. The directors shall appoint all subordinate officers and remove them at will, two-thirds agreeing thereto.

Character of capital stock.

SEC. 8. The capital stock in this corporation shall be taken and recognized as personal property, and transferred on the books of the corporation as the by-laws may prescribe.

When act to be in force.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1871.

Selling of spirituous liquors forbidden.

**Penalty for viola-
tion.**

When act to be in force.

Corporators.

Powers

- have a common seal which they may alter at pleasure, elect in such manner as they shall determine to be proper all necessary officers, and to fix their compensation and define their duties and obligation, and make by-laws and regulations consistent with the laws of the state for their own government, and for the due and orderly conduction of their affairs and the management of their property.
- By-Laws.**
- Capital stock.** SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not be less than twenty-eight thousand dollars, to be divided into shares of one hundred dollars each, and the said corporation shall have power to increase their capital stock to one hundred thousand dollars.
- Business, where carried on.** SEC. 3. *Be it further enacted,* That the said corporation shall have power to operate and carry on their business in the counties of Beaufort and Washington, and the counties adjoining thereto for the purpose of getting and dealing in lumber and timber and transporting or selling the same, and may transport the same in their own or the vessels of others, also in milling, merchandising, canaling, making roads, drawing and improving and cultivating swamp and other lands, and shall have all power and rights incident to corporate companies which may be necessary to carry into effect the object of said corporation.
- Directors.** SEC. 4. *Be it further enacted,* That there shall not be less than three nor more than five of the stockholders directors in said corporation, one of whom shall be president, and the said corporation may by their by-laws determine the manner of calling and conducting all meetings, the number of members that shall constitute a quorum, the number of shares that shall entitle the members to one or more votes, the mode of voting by proxy, the mode of selling shares for the non-payment of assessments, and the term of office of the several officers, and the manner in which vacancies in any of the officers shall be filled till a regular election, and they may annex suitable penalties to such by-laws for any one offence not exceeding in any one case the sum of twenty dollars.
- Shares of stock.** SEC. 5. *Be it further enacted,* That the shares to which

any member of said corporation may be entitled to, shall be represented by certificates of stock to be issued by said corporation in such manner as they may direct, and all such shares or stock shall be deemed personal estate, and may be transferred by the party in person or by power of attorney on the books of said corporation, or in such manner as they may direct by their by-laws.

SEC. 6. *Be it further enacted*, That the said corporation shall have full power at any time to close its operations and surrender up its charter and corporate privileges, in which case all the estates, real and personal or otherwise, shall be vested in the holders of the stocks according to their respective shares, and shall be divided accordingly, and the said corporation shall have power to hold their meetings within or without the state of North Carolina.

Power to close operations.

SEC. 7. *Be it further enacted*, That all the land and property of the association aforesaid, known as the Pungo River Swamp Land Company, shall, as soon as the corporation herein referred to shall accept this charter and organize under it by virtue thereof, become the property of this corporation, in such portions as the same may now be owned by the members thereof, and persons representing two-thirds of the said property shall have power to accept and organize under this charter.

Lands and property.

SEC. 8. *Be it further enacted*, That the said corporation may fix the number of shares so as the whole value thereof shall not be less nor more than the amounts named in section second; that this charter shall be for sixty years unless terminated as hereinbefore provided for or forfeited by operation of law.

Number of shares.

SEC. 9. *Be it further enacted*, That the several provisions of the twenty-sixth chapter of the revised code of North Carolina, shall be the law to govern this corporation as far as applicable, except so far as altered by the charter.

Law governing the association.

SEC. 10. *Be it further enacted*, That the acceptance of and organizing under this charter shall not operate to discontinue any suit now pending for or against the association aforesaid, but the same may be prosecuted as pending, or in

Conditions.

the name of the corporation if the court in which any such suit may be pending shall so order, by entry made on the records of the court, and all rights privileges and remedies now possessed by the said association shall be vested in the said corporation so soon as the same is organized under this charter.

When act to be in force.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CIX.

CHARTER OF THE CITY OF CHARLOTTE.

Corporate name.

SECTION 1. *The General Assembly of North Carolina do enact as follows,* That the inhabitants of the city of Charlotte shall be and continue, as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the "City of Charlotte," and under such name and style is hereby invested with all the property and rights of property which now belong to said corporation under any other corporate name or names heretofore used. And by this name may acquire and hold for the purposes of its government, welfare and improvement all such estates as may be devised, bequeathed or conveyed to it, and the same may from time to time, sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Wards.

SEC. 2. *Be it further enacted,* That the said city shall be divided into four wards by the intersection of Trade and Tryon streets, to be known as follows, to-wit: That part lying east of said intersection to be known as Ward number one, that part lying south as Ward number two; that part lying west as Ward number three; and that part

lying north as Ward number four ; according to the present plot of said town.

SEC. 3. The corporate powers and authority granted to said city shall be vested in and exercised by a mayor and twelve aldermen. No person shall be eligible as mayor or as alderman unless he shall be eligible to office under the state constitution, and shall have resided within said city for ninety days next preceding the day of election, and every alderman shall be a resident of the ward for which he shall be chosen. Mayor and Aldermen.

SEC. 4. That no person shall be entitled to vote for mayor or alderman, unless he shall be qualified and entitled to vote for members of the general assembly of this state, and shall have resided for ninety days next preceding the day of election within the corporate limits of said city : *Provided, nevertheless,* That all persons entitled to vote for members of the general assembly of this state who shall have been seized in fee simple, of real estate situate within the city for ninety days next preceding the day of election, may vote for mayor and aldermen in the ward in which such property or any part thereof may be situated. Electors.

SEC. 5. The mayor shall be elected by the qualified voters of the whole city, and three of the twelve aldermen shall be elected for each of the four wards by the qualified voters in such wards respectively ; that for the purpose of electing said officers, the aldermen shall appoint one or more registrars to register the voters in the manner provided by law, and also shall appoint one or more inspectors for each ward, who shall be qualified voters in the wards for which they shall be appointed respectively, and who shall have no official connection with the execution of the laws and ordinances of the city ; and the aldermen shall cause at least ten days notice of the time and place of holding the election to be given by advertising in some newspaper published in said city. Election of officers.

SEC. 6. There shall be provided by the city for the use of the inspectors in holding such election five boxes, in one of which boxes shall be deposited the votes given for mayor ; Ballot-Boxes.

in one the votes for aldermen of the first ward ; in one the votes for aldermen of the second ward ; in one the votes for aldermen of the third ward, and in one the votes for aldermen in the fourth ward. The inspectors, before they shall proceed to act, shall be sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law. And in case of the absence of any inspector, his place may forthwith be supplied by the mayor.

Inspectors of elections.

SEC. 7. That on the day of election, the inspectors shall give due attendance at the time and place ; shall be judges of the polls, receive the votes and conduct the election in like manner and during the same hours of the day as elections for members of the general assembly. The voter shall designate on his ballot the person for whom he votes as mayor, and the persons for whom he votes as aldermen.

Counting of votes.

SEC. 8. At the close of the election, the inspector shall count the votes in the box appropriated to the votes for mayor, and the person having the largest number shall be declared duly elected mayor ; and in like manner they shall count the votes in the several boxes appropriated to the votes for aldermen in the several wards, and the person or persons having the largest number of votes in the respective boxes for the several wards shall be declared duly elected aldermen of their respective wards.

Certificates of election.

SEC. 9. And the said inspectors shall give to each of the persons so declared elected a certificate of election.

Case of tie votes.

SEC. 10. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the aldermen elect shall proceed within five days after their qualification to select a mayor of such persons ; and if among the persons voted for as aldermen there shall be a like tie, the remaining aldermen within five days after their qualification shall select of such the person or persons to be aldermen.

Poll lists.

SEC. 11. That the inspectors shall certify and subscribe the poll list which, together with the registration list, shall

be returned by them to the clerk of the board of aldermen, who shall keep them among the archives of the city.

SEC. 12. That the mayor, within five days after his election, and before entering on the duties of his office, shall take the following oath: "I, A. B. do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of the city of Charlotte, while I continue therein; and will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the city; and in the discharge of my duties, I will do equal justice in all cases whatsoever." Which oath shall be taken and subscribed before the former mayor, or a justice of the peace, and shall be entered upon the minutes of the proceedings of the board.

Oath of Mayor.

SEC. 13. That each alderman, before entering on the duties of the office, shall take before the mayor or some justice of the peace, an oath, that he will truly and impartially perform the duties of alderman for the city, according to the best of his skill, ability and judgment, which shall be recorded in like manner as the oath of office of the mayor.

Aldermen to take oath.

SEC. 14. The mayor and aldermen shall hold their office for two years, and until their successors shall be duly elected and qualified according to law.

Terms of office.

SEC. 15. That if any person chosen mayor shall refuse to be qualified, or there shall occur any vacancy in the office after election and qualification, the aldermen shall choose some qualified person mayor for the term, or for the unexpired portion of the term, as the case may be, and on like occasion and in like manner the aldermen shall fill any vacancy that may occur in board of aldermen, and such persons only shall be chosen as are heretofore declared to be eligible.

In case Mayor refuses to act.

SEC. 16. That if the aldermen shall fail to give the notice of election, or to hold and declare the same in the manner herein prescribed, such of them as shall be in default, shall forfeit and pay for the equal use of the city, and of him who will sue therefor, one hundred dollars.

Failure to give notice or hold elections.

Powers of Mayor.

SEC. 17. That the mayor within the corporate limits shall have all the powers and authority of a justice of the peace, to preserve and keep the peace, and may cause to be arrested and detained criminals who fly to the city from other states or counties, and shall cause to be arrested and bound for their appearance at the proper tribunal to answer for their offences, all persons offending against the laws of the state, or against the laws, ordinances and regulations of the corporation. He shall also have within the same limits as a judicial officer, all the powers, jurisdiction and authority of a justice of the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the city, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the laws and rules which may be made by the board of aldermen, and for this purpose may issue precepts to the city marshal.

Office of Mayor.

SEC. 18. That the mayor shall keep his office in some convenient part of the city designated by the aldermen. He shall perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by this act, and by the ordinances of the corporation, not exceeding fifteen hundred dollars.

Mayor to preside at meetings of Aldermen.

SEC. 19. That the mayor, when present, shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question, or in the election of any officer by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent, the board may appoint one of their number *pro tempore* to exercise his duties.

Board of Aldermen.

SEC. 20. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed by the aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall then fix their stated times of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen, and when called by

the mayor, all the aldermen then in the city shall be notified. And if called by a majority of the aldermen, then such shall be notified who are then in the city, as shall not join in such call.

SEC. 21. That if any alderman shall fail to attend a general meeting or any special meeting of which he shall have notice as aforesaid, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the city, the sum of five dollars, to be collected as other fines and forfeitures are. Failure to attend meeting.

SEC. 22. That the aldermen, when convened, shall have power to make and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary; *Provided*, The same be allowed by the provisions of this act, and be consistent with the law of the land. Powers of Aldermen.

SEC. 23. That among the powers hereby conferred on the board of aldermen they may borrow money, provide for repairing and cleansing the streets or to open new streets, and provide the manner of assessing damages therefor, or for widening those already opened, may provide for regulating the market, may provide water and take all proper means to prevent and extinguish fires, make regulations to cause the due observance of the Sabbath, appoint and regulate the city police, suppress and remove nuisances, preserve the health of the city from contagious or infectious diseases, appoint a marshal to execute such precepts as the mayor may lawfully issue to him, to preserve the peace and order, and execute the ordinances of the city, and shall appoint and provide for the pay, and prescribe the duties of the above named officers and any others they may deem necessary for the benefit of the city. May borrow money.

SEC. 24. That at the first meeting of the board of aldermen, or as soon thereafter as practicable, they shall appoint some citizen to the office of city clerk and treasurer, who shall be allowed a reasonable salary to be fixed by the said board and paid annually, and who shall hold his office during the official term of said board, subject to be removed City clerk and treasurer.

however at any time for misconduct. The said clerk and treasurer so appointed shall give a bond with acceptable sureties, payable to the city of Charlotte, in a penal sum to be fixed by the board, with the condition of the keeping by him regularly and faithfully the proceedings of the said board at their meetings, and the keeping of all books, papers and articles committed to his custody during his continuance in office, and to deliver them to his successor, and that he shall receive and faithfully keep all moneys which shall be paid to him for the use and on behalf of the city, and disburse the same on an order given in obedience to the direction of said board, appearing on their minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him in a book kept for that purpose, that he shall submit said accounts to the said board whenever required, that he shall pay to his successor all moneys in his hands belonging to said city, and that he will faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said city during his continuance in office.

City marshal.

SEC. 25. That the board of aldermen shall appoint, within thirty days after they shall have been elected, a fit and proper person who shall be a qualified voter of the city to the office of city marshal, who shall give bond with approved sureties in a penal sum, to be fixed by the board of aldermen and payable to the city of Charlotte, with the condition that he will diligently collect all taxes imposed by said board, and that he will faithfully pay to the clerk and treasurer all sums of money collected or recovered by him to or for the use of the city, and that he will faithfully discharge all other duties imposed on him by the laws and ordinances of said city, and shall obey and diligently execute all lawful precepts to him directed by the mayor of said city, for which service he shall be allowed a reasonable compensation, to be fixed by the board of aldermen and paid annually; and the said city marshal shall hold his office during the term of the board appointing him, subject to be removed at any time for misconduct.

SEC. 26. That it shall be the duty of the city marshal during the term of his office, to apprehend all disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of an intention to commit a felony and to imprison such person or persons, until he, she or they can be brought before the mayor or some justice of the peace to be dealt with according to law, or such persons shall give bail for their appearance before the mayor or some justice of the peace. If the city marshal shall think proper to take bail in the manner usually given to sheriffs, said bail bonds when taken to be made payable to the city of Charlotte. It shall be the duty of said marshal to preserve the peace by the suppression of disturbances and the apprehension of all offenders, and to enable said marshal to do this more effectually, he is hereby invested with all powers now vested in sheriffs within the limits of the city, and he shall also have, and is hereby invested with the same powers in the execution of process directed to him as that given to sheriffs in similar cases; and the said marshal shall have power to summon as many persons as he may think necessary to assist him in the performance of the above mentioned duties.

Duties of marshal.

SEC. 27. That if any person shall assault, resist or obstruct the city marshal or any member of the police in the discharge of his or their duties, or shall aid or incite any person or persons so to assault, resist or obstruct the marshal or police, every such person so offending, upon being convicted thereof before the mayor, or some justice of the peace, shall for every such offence forfeit and pay for the use of the city such sum, not exceeding five hundred dollars as the presiding officer may in his judgment think fit to impose, and shall also be deemed guilty of a misdemeanor, and on conviction of which, upon indictment in the superior court, shall be fined or imprisoned at the discretion of the court.

Powers of marshal and police.

SEC. 28. That the board of aldermen may appoint one or more weigh-masters whose duty it shall be to weigh all cotton sold in the city, and inspect all flour, provisions, forage,

Weigh masters.

and all other marketable produce sold in the city, which in the judgment of the board may require such weighing or inspecting. And the weigh-master so appointed shall give bond with approved security, payable to the city of Charlotte, in a penal sum to be fixed by the board of aldermen, conditioned for the faithful performance of all duties imposed by law or the ordinances of said city, and shall take an oath before entering on the duties of weigh-master that he will conform to all the rules, regulations and restrictions of the city laws or ordinances concerning the office of weigh-master, and will fairly and without partiality perform said duties. And the said board of aldermen shall have power to remove him or them for misconduct or malpractice in office, and appoint others in their places. And the board of aldermen are hereby authorized and empowered to regulate the fees for such weighing or inspecting and apportion the same as they may think proper, and make and establish all necessary ordinances for such officers and impose fines for any violation of ordinances connected therewith.

Auctioneers.

SEC. 29. The board of aldermen shall have power to license one or more auctioneers for the city, who shall execute bond in the sum of one thousand dollars each, payable to the city of Charlotte, conditioned that he will faithfully perform all the duties of auctioneer required by law, and said bonds after having been approved by the board of aldermen shall be filed with the clerk and treasurer of said board, and no person shall exercise the office of auctioneer in the city without first having obtained license; and the board of aldermen are hereby authorized and empowered to make such rules and regulations in regard to the amount charged for license and the tax required to be paid by said auctioneers as they in their judgment may deem just and equitable.

Assessors.

SEC. 30. That it shall be the duty of the board of aldermen to appoint annually three citizens of the city, who shall have each a freehold in the incorporation assessed for taxation at not less than fifteen hundred dollars, whose duty it shall be to assess the real value of all city lots situated

within the corporate limits of the city, which lots shall be taxed according to said valuation. And said assessors before proceeding to discharge the duties assigned them, shall take an oath before the mayor or a justice of the peace of the city, that [they] will fairly and impartially assess the value of all the lots within the city, and for their services as assessors they shall be allowed a reasonable compensation by the board, to be paid out of the city treasury.

SEC. 31. That the board of aldermen shall have power Police force. to organize a police force for said city, by hiring persons to act as such, or by enrolling all the male inhabitants of the age of eighteen years and upwards, except such as they may deem proper to exempt by reason of old age or infirmity, and dividing them into classes of equal number, to be arranged alphabetically or drawn by lots, as jurors are drawn, from the persons enrolled as the board may deem expedient; and the board of aldermen are hereby empowered to make any laws or ordinances for the government of such police and impose fines and penalties for the infraction of such laws. The police so hired or appointed by the board of aldermen, shall have all the power for the suppression of riot and disturbance, and the preservation of the peace, and the enforcement of the ordinances whilst on duty which are vested in the city marshal by this act.

SEC. 32. That the clerk and treasurer shall, at such time Notice to return lists of property. as may be prescribed by the board of aldermen, make advertisement in one or more papers published in the city, notifying all persons who reside, or own taxable property in the city, on the first Monday in June in each year, to return a list thereof to said clerk and treasurer within thirty days from the date of said advertisement; said list shall state the number of lots or parts of lots, the number of taxable polls, and all other property not exempt from taxation by law. And the list so returned to the clerk and treasurer, shall be sworn to before him, and he is hereby authorized to administer the oath to all persons making such returns, and the said list shall be filed, and from the same the clerk and treasurer shall, within thirty days after the expiration of the

time for taking said lists, make out in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the collection of state taxes, and shall deliver to the city marshal a certified copy of the same for the collection of the taxes therein set forth, and the said tax list shall be in the nature of a judgment and execution for the taxes therein mentioned, and the said marshal shall have power to seize and sell property in such manner and under such restrictions as the board of aldermen may designate.

List of polls and property.

SEC. 33. That the clerk and treasurer shall, within thirty days after the tax returns shall have been received, make out to the best of his knowledge and belief, a list of taxable polls, and owners of taxable property in the city who shall have failed to return a list in the manner and time aforesaid, and each of said persons so listed, shall forfeit and pay a sum to be fixed by the board, not exceeding twice the sum due for taxes from such delinquent in the city, which sum, when so determined by the board of aldermen, shall be entered by the clerk on the copy of the tax list put in city marshal's hands for collection, who shall proceed to collect the same as is provided for the collection of other taxes.

Power of aldermen to levy taxes.

SEC. 34. The aldermen shall have power to levy taxes upon all property, money, licenses, privileges, trades, professions, occupations and all other subjects of taxation as provided in the constitution of the state; *Provided*, That the rate of taxation upon real and personal property for any one year, shall not exceed double the rate of county and state taxes for the same year; *and Provided further*, That in levying the tax hereby authorized, the equation now recognized by the constitution of the state with respect to property and capitation tax shall be observed and strictly adhered to.

Taxes.

SEC. 35. That as soon as the assessors shall have made their returns, the board shall proceed to lay the taxes in the manner provided by law, and the clerk and treasurer shall compute the taxes agreeable to the tax ordinance of the board of aldermen.

SEC. 36. That the owner of any land sold under the provisions of this charter, his heirs, administrators or executors, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid, and twenty-five per cent. on the amount of taxes and expenses in addition thereto.

Land sold for taxes.

SEC. 37. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the said purchaser or his assigns, and the recital in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, shall be *prima facie* evidence that the same was true; *Provided*, That the real estate of infants, or persons *non compos mentis*, shall not be sold for tax, and when the same shall be owned in common with others free of such disability, the sale shall be made according to section ninety-two, chapter ninety-nine, of the revised code.

If land sold be not redeemed.

SEC. 38. That when any land or right of way shall be required by the said city for the purpose of opening or widening streets or for other purposes allowed by this charter, and for want of agreement as to the value thereof, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, or a majority of the same, to be chosen by the board of aldermen; and in making such valuation, said freeholders, after being duly sworn before the mayor or some justice of the peace, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered; also, any special benefit or advantage such owner may receive from the opening of such street or streets, or other improvement, and the excess of loss or damage over and above the advantages shall form the measure of damages for such land or right of way; *Provided*, That in all cases the owner or owners of the land or right of way about to be assessed as aforesaid shall have at least five days' notice of the time and place of the meeting of said freeholders for making such assessment, it shall be the duty of said free-

Land or right of way required by city.

holders to make out a detailed statement of the damages assessed, if any, and a description of the property or right of way in question, and return the same under their hands and seals to the clerk of the city, who, upon the acknowledgment to him of the execution of the same by at least three of the five freeholders making such assessments in the manner required by law for the acknowledgment of deeds before the judge of probate, shall record the same in a book to be kept by him for that purpose; *Provided*, That either party dissatisfied with the assessment shall have the right to appeal to the next succeeding term; and no other, of the superior court of Mecklenburg county; *And provided further*, That such appeal shall not hinder, delay or prevent the corporate authorities from opening such street or making such improvement.

Ordinances.

SEC. 39. The board of aldermen shall have power to pass any ordinance not inconsistent with the constitution and laws of the state to prevent vagrancy within the limits of the city.

Streets and side-walks.

SEC. 40. That the aldermen shall cause to be kept clean and in good repair the streets, side-walks and alleys. They may establish the width of streets and ascertain their location, and lay out and open others; and they may establish and regulate the public grounds and protect the shade trees of the city.

Cellars.

SEC. 41. That no cellar shall be built under any side walk in the city, or entrance established on the side-walk to any cellar whereby the free passage of persons may be delayed, hindered or interrupted, and every offender herein shall forfeit and pay for the use of the city twenty-five dollars, to be collected as other fines and forfeitures for every day the same may remain.

Markets

SEC. 42. That the aldermen may establish and regulate the market and prescribe at what time and place within the corporation marketable articles shall be sold in what manner, whether by weight or measure, may be sold grain, meal, flour, (if not packed in barrels) fodder, hay or oats, and may erect scales to weigh the same, and fix fees therefor, and

direct by whom such fees shall be paid, and may appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating. They may also establish all public buildings necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger of fire. They may provide grave-yards or cemeteries in or near the city and regulate the same; may appoint and pay a keeper and compel the keeping and returning bills of mortality; and they may prohibit interments within the city.

SEC. 43. They may provide for the establishment, organization, equipment and government of fire companies, and in all cases of fire, the mayor or a majority of such aldermen as may be present, may, if same be necessary to stop the progress of the fire, cause any house to be blown up or pulled down. The board of aldermen may also take such measures as they may deem effectual to prevent the entrance into the city of any contagious or infectious disease; may stop, detain and examine for that purpose, every person coming from places believed to be infested with such disease; may establish and regulate hospitals within the city or within three miles thereof, may cause any person in the city suspected to be infected with such disease and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate or propagate disease.

SEC. 44. That in case any person shall be removed to the hospital, the corporation may recover before the mayor or any justice of the peace, of such person, the expense of his removal, support, nursing and medical attendance, and in case of death, from his legal representatives, and in that event, burial expenses also, if the corporation incur such expense. And if any person shall attempt by force, or by threat or violence to prevent removal to the hospital of any

Fire Companies.

Persons removed to hospital.

person ordered to be conveyed thither by proper authority, the person so offending shall forfeit and pay to the use of the city, one hundred dollars to be collected as other fines and forfeitures, and moreover shall be deemed guilty of a misdemeanor.

Recovering penalties.

SEC. 45. That all penalties imposed by law relating to the city, or by this act, or by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Charlotte, before the mayor, or any tribunal having jurisdiction thereof; *Provided nevertheless*, That the board of aldermen shall not have power to impose for any offence, a larger penalty than five hundred dollars, unless the same be expressly authorized by this act; and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other causes of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Fees of mayor.

SEC. 46. That the mayor shall be entitled to the following fees in the cases herein enumerated, whereof he may have jurisdiction as mayor; for every warrant issued by him for the recovery of any penalty or for other cause of action, fifty cents; for every judgment, one dollar to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal law of the state under which he may be arrested and recognized to appear before a court of record, one dollar to be taxed on conviction or submission of the offender among other costs. For every warrant to arrest individuals who may have fled from other states or counties, two dollars to be paid on removal of offender by such as shall convey him away. The city marshal shall have for his fees for serving process and other official duties the same fees as are allowed to sheriffs for like duties.

Jurisdiction, &c., of mayor.

SEC. 47. That the jurisdiction, powers and authority of the mayor and board of aldermen in all matters connected with or in reference to retailers of spirituous liquors by a

measure less than a quart, or to granting license to sell spirituous liquors by any measure whatever, or to carry on or practice any calling, trade, business or profession, shall extend only to the corporate limits of the city.

SEC. 48. That the aldermen may require and compel the abatement and removal of all nuisances within the city, at the expense of the person causing the same, or of the owner or tenant of the ground whereon the same shall be. They may also prevent the establishment within the city, and may regulate the same if allowed to be established, of any slaughter house or place, or the exercise within the city of any offensive or unhealthy trade, business or employment; and may have the power to prevent dogs, horses, cattle, hogs and all other brutes from running at large in the city, and may have power to prohibit and prevent by penalties the riding or driving of horses or other animals at a greater speed than six miles an hour within the city; and may regulate the speed of locomotives within the limits of the city; and may prohibit and prevent by fines and penalties the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the city. Nuisances.

SEC. 49. That all the rights, franchises, privileges, powers and authority derived from or granted by any law now in force in reference to the commissioners of the town of Charlotte or the mayor and board of aldermen of the city of Charlotte, or any law granting franchises or powers of any kind whatever to the corporation styled as above, are hereby vested in the city of Charlotte, and the same shall be exercised and administered for the government and benefit of the city by the mayor and aldermen thereof; *Provided* Powers vested in mayor of city of Charlotte. *however*, That all laws in reference to the commissioners of the town of Charlotte and the board of aldermen of the city of Charlotte affecting the government of said city, or any laws of a public or general nature inconsistent with, or coming within the purview of this act, are hereby repealed so far only as they may affect the city of Charlotte; *And, provided further*, That no ordinance, by-law, regulation, or Proviso.

rule of the former corporations shall be affected or annulled by this act, unless the same be inconsistent therewith. Neither shall any right, estate, duty or obligation possessed by or due to the city of Charlotte by any other corporate name from any corporation or person whatever, be lost, affected or impaired, but the same shall remain in full force, and be possessed, enforced and enjoyed in the name and for the use of the city of Charlotte. Nor shall any duty, obligation or liability of said former corporations, accrued or owing to the state or to any corporation or person be lost, affected or impaired by this act, but the same shall remain in full force and be enforced, possessed and enjoyed by the state or such corporation or person against the corporation by this act, styled "The City of Charlotte."

This act to be
submitted to
voters of city.

SEC. 50. That as soon as practicable after the ratification of this act, the present mayor and board of aldermen of the city of Charlotte shall cause this act to be submitted for acceptance or rejection to a vote of the citizens of the city of Charlotte, and if a majority of the qualified voters of said city shall vote in favor of acceptance, then and in that case this act shall become the law for the government of the city of Charlotte, and it shall be the duty of the mayor forthwith to make known such acceptance by publication in some paper published in said city, but [if] a majority of the votes cast shall be for rejection, then this act shall be of no force or effect.

Election for offi-
cers.

SEC. 51. That after the acceptance of this charter by the qualified voters of said city it shall be the duty of the present mayor and board of aldermen of the city of Charlotte to open and hold an election in the manner prescribed in this act, and the time for holding said first election under this charter, shall be the first Monday in May, one thousand eight hundred and seventy-one; and it shall be the duty of the mayor to make known to the people by advertisement in one daily paper published in the city, the time and place of holding said election, and such election shall be held as nearly [as] may be practicable, in conformity with the provisions of this act. And the qualifications of the candidates

and voters at such elections, shall be the same which are required of such persons by previous provisions of this act. And there shall be voted for at the said election, a mayor and twelve aldermen, three aldermen for each ward in the city. And the persons elected as mayor and aldermen at said election, shall hold their office for the term of two years and until their successors shall have been elected and qualified.

SEC. 52. This act shall be in force from and after its ratification. When act to be in force.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CX.

AN ACT TO INCORPORATE THE WILMINGTON AND SMITHVILLE STEAMBOAT COMPANY.

SECTION 1. *The General Assembly of North Carolina do enact,* That Julius Potter, Walter G. Curtis, John W. Galloway, F. W. Kerchner, R. H. Cowan, Donald McRae, Charles W. McClammy, Samuel A. Ashe, and S. S. Fremont, their associates and successors, or any three of them, are hereby declared a body corporate, under the name and style of the Wilmington and Smithville Steamboat Company, and as such they may own and operate steamboats on the waters of the Cape Fear river and its tributaries, as well as along the coast, inlets and harbors. They may have a corporate seal, sue and be sued, plead and be impleaded, and do all other acts and things which corporations in this state may of right do, not inconsistent with the constitution and laws of the United States or of this state.

Corporators:

Name.

Privileges

Capital stock.

SEC. 2. The capital stock shall not exceed two hundred thousand dollars, in shares of one hundred dollars each, and each share shall have one vote in all meetings of the stockholders.

Manner of conducting business.

SEC. 3. The manner of conducting the business of the corporation, the names and number of officers, shall be fixed by the by-laws of the company, which shall be agreed to in general meeting of the stockholders, and may be altered or changed by a majority vote of the stockholders at any meeting called and advertised thirty days for that purpose.

When act to be in force.

SEC. 4. This act is hereby declared to be a public act and shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXI.

AN ACT TO INCORPORATE THE INDEPENDENT ORDER OF GOOD TEMPLARS, OF NEWBERN, NORTH CAROLINA.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That Geo. B. Willis, George Physick, Virgil A. Crawford, William W. Lawrence, Daniel H. Harris, L. S. Hill, Peter W. Lawrence, John B. Willis, Jas. D. Dudley, John W. Brown, Lewis Williams, Moses T. Bryan and Edward R. Dudley, their associates, successors and assigns are hereby constituted a body politic and corporate by the name and style of the Independent Order of Good Templars, of Newbern, North Carolina, for the purpose of promoting the temperance cause.

Name.

Privileges.

SEC. 2. And by that name they shall have perpetual succession and may sue and be sued, plead and be impleaded, and have a common seal, and in general exercise and enjoy all rights as are usually enjoyed by corporate bodies of a like nature.

When act to be in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXII.

AN ACT TO INCORPORATE THE NEWTONIAN SOCIETY, AT RUTHERFORD COLLEGE, BURKE COUNTY, NORTH CAROLINA.

SECTION 1. *The General Assembly of North Carolina do* Corporation.
enact, That the president, vice-president, secretary, treasurer, monitor, critic and janitor of the Newtonian Society at Rutherford College, Burke county, North Carolina, who now hold the above named offices, and their successors in office, are hereby constituted and declared to be a body corporate under the name and style of the "Newtonian Society," Privileges.
 and by such name shall have a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, confer honorary titles of merit upon the members of said society, and pass all such by-laws and regulations as shall not be inconsistent with the laws of the state or United States.

SEC. 2. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXIII.

AN ACT TO FIX THE CAPITAL STOCK OF THE FAIRFIELD CANAL AND TURNPIKE COMPANY.

SECTION 1. *The General Assembly of North Carolina do* Amount of capital stock.
enact, That the capital stock of the Fairfield Canal and Turnpike Company shall be fixed by the corporation thereof at not less than twenty-five thousand dollars nor more than one hundred thousand dollars, in shares of the par value of one hundred dollars.

SEC. 2. That this act shall be in force from and after its ratification. When act to be in force.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXIV.

AN ACT TO INCORPORATE THE FIRST CO-OPERATIVE STORE OF
THE CITY OF WILMINGTON.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of establishing a Co-operative Store in the city of Wilmington, in the county of New Hanover, and state of North Carolina, and other branches of said store, George Hall, Kenneth McKenzie, James H. McGaiety, James Riley, William F. Corbett, Laury B. Lyons, Samuel R. Bunting, Thomas Merrimon, Isaac B. Grainger, John H. Pugh and such other persons as they may associate with them, shall hereafter be a body politic and corporate by the name of the first co-operative store of the city of Wilmington, and by that name shall be capable in law to buy and sell, hold and enjoy all such goods, wares and merchandize, and real estate as they may deem proper to carry on said co-operative store, and sell, make contracts, sue and be sued, to make by-laws, and to do all other acts properly incident to such co-operation and which may be necessary to carry into full effect the intention of this charter, to have and use a common seal and the same to alter at pleasure, and it shall have, use and enjoy all other rights, powers and privileges which may by law usually belong to corporations for like purposes.

Name.

Powers and privileges.

Location of store.

SEC. 2. That said company be and is hereby authorized to establish said co-operative store in the city of Wilmington, North Carolina, with its branches and purchase, hold and sell all such goods, wares and merchandize, and real estate as they may deem expedient to carry on said business of a co-operative store.

Capital stock.

SEC. 3. The capital stock of said store shall be five thousand dollars, with the privilege of raising it to ten thousand dollars, in shares of twenty-five dollars each, and in order to get the requisite amount of stock, the persons named

in the first section may open books of subscription at such times and places as they may think best.

SEC. 4. Whenever twenty-five hundred dollars shall be subscribed, and one-fifth of said amount paid in, it shall be the duty of persons above mentioned to call a general meeting of the subscribers, who shall elect a board of directors, to consist of seven stockholders, and such board of directors shall immediately elect one of their number president; whereupon the company shall be considered fully organized, and said stockholders may provide in said meeting for the appointment of such other officers and agents as the company may require, fix the salaries and compensation for all its officers and agents and their terms of office, the mode and times of their elections or appointments, and the votes to which the stockholders shall be entitled in general meeting, whether by scale or otherwise, and to make all needful rates and regulations for carrying out the intention of this charter. The board of directors may call in the remainder of the stock subscribed to be paid in such instalments and at such times as they may think proper, and in case any subscriber fail or refuse to make payment according to such call, the directors, after giving twenty days' notice, may sell the shares subscribed for by him, or so much thereof as will pay the whole of the remainder due upon his subscription; and should there still be a deficiency, they may proceed against him before any court having jurisdiction for the remainder.

SEC. 5. This act shall take effect from its ratification, and the said company shall have the right for a term of ten years from its first organization to carry on said co-operative store with its branches as hereintofore mentioned.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXV.

AN ACT TO INCORPORATE JACKSON LODGE NUMBER ONE, OF
INDEPENDENT ORDER OF GOOD TEMPLARS, IN TARBORO',
EDGECOMBE COUNTY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That James H. M. Jackson, Gaston Loyd, William Mitchell, Isham Hilliard, Stephen Sparrow, Jesse W. Latham, Frederick M. Bryan, Thomas Killabrew, Luke Davey and their associates, the officers and members of Jackson Lodge and their successors, be and they are hereby incorporated into a body politic and corporate, under the name and style of Jackson Lodge, number one of the Independent Order of Good Templars, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said lodge, and also such real estate as may be required for the convenient transaction of its business.

Name.

Powers.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this state, or of the United States.

When act to be in force.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXVI.

AN ACT TO INCORPORATE THE REAL ESTATE AND LOAN ASSOCIATION OF WILMINGTON, NORTH CAROLINA.

Preamble.

WHEREAS, It is a duty of the highest obligation on the legislative department of every state to encourage and foster on the part of its citizens systematic habits of economy and

saving, whereby their daily earnings may be secured for the meritorious purpose of providing comfortable homes for themselves and their families, rather than that they should be carelessly wasted or viciously expended; and whereas, it is manifestly proper that every motive and inducement which can be presented should be offered to the working classes and all those of moderate means to make safe and permanent remunerative investment of so much of their limited incomes as may be spared from the necessities of life, whereby their individual welfare will be promoted and the taxable property of the state largely increased in value; and whereas, it is obviously sound policy on the part of the legislature to create and cherish all associations of citizens of the state, having in view ends and objects so commendable in their character; therefore,

SECTION 1. *The General Assembly of North Carolina do* Corporators.
enact, That Michael Conly, J. B. Grainger, William A. Cummings, Chas. M. Steadman, F. Hall McKay, William H. Bernard, Roger Moore, W. H. Northrop, J. R. Cumming, Samuel Northrop and such persons as may hereafter be associated with them, are hereby created and constituted a body politic and corporate for the term of fifty years, by the name and style of the "Real Estate and Loan Association of Wilmington, North Carolina," and as such body politic shall be capable in law to purchase, hold, improve, lease, dispose of and convey property, real and personal, to receive deposits and savings, to borrow money and create Privileges.
 loans for the purpose of making advances upon buildings and lands, and for such other purposes and objects as may promote the interests of the members of the said corporation, and to insure the lives of its members and of its debtors for the benefit of said corporation in some responsible life insurance company, whereby the property advanced or may be in case of death secured to the family of the deceased, and for the purpose of enabling persons of limited means to purchase a homestead for their families. The said corporation shall be vested with all the rights, powers, franchises and privileges incident or belonging to corporations as set

forth in the first, second, third and fourth sections of the revised code of North Carolina, entitled "corporations."

Books of subscription.

SEC. 2. The corporators above named, or a majority of them may open books of subscription to the capital stock of said corporation at such places within the city of Wilmington or elsewhere as they may deem best, and so soon as the said before named corporators or a majority of them shall determine, they shall call a meeting of the subscribers to said stock, at such time and place as they may appoint for the purpose of organizing said corporation, by the election from among their number of nine directors to manage the affairs of said corporation for one year thereafter and until their successors are elected, for the adoption of suitable by-laws for the future government and conduct of said corporation, and for the transaction of any other business connected with said corporation, which may be presented for the consideration of such meeting.

Annual meeting.

SEC. 3. There shall be annual meetings of the stockholders, at which the directors shall be elected, and the directors shall continue in office until their successors shall be elected. Should it happen from any cause that such annual meeting of the stockholders shall not be held in any year on the day fixed by the by-laws of said corporation, such annual meeting may be held on such convenient day thereafter as may be designated for that purpose by the directors. Notice of the time and place of holding all general meetings of the stockholders, whether the same be a regular annual meeting or any called meeting as hereinafter provided, shall be given by an advertisement for ten days previous, in one or more newspapers published in the city of Wilmington. General meeting of the stockholders may be called by the directors when they shall consider such meetings necessary, and it shall be the duty of the directors to call a general meeting of the stockholders whenever they shall in meeting be requested to do so by ten or more stockholders together, holding three hundred or more unredeemed shares of the capital stock of said corporation; and in the event of their refusal or failure to call such meeting, the stockholders

Directors.

making such request may call the same, due notice of the time and place of holding such meeting being given as is above provided.

SEC. 4. The directors shall elect from their own body a president and vice-president, fill all vacancies occurring in their own body during their term of office, appoint all such officers, agents or employees as the by-laws may prescribe, or as they may consider necessary to conduct and execute the business of the corporation, prescribe their duties and fix their compensation, and take from them in the name of such corporation, bonds with sufficient security for the faithful performance of their respective duties, and all such officers, agents or employees shall hold their respective appointments at the pleasure of the directors. The directors shall have power to invest the funds of said corporation in such way as they shall consider most conducive to the best interest of said corporation, to admit members upon such terms as the by-laws shall prescribe, and to furnish proof of such admission, and of all payments made by such members upon their respective shares, whether in advance or otherwise, to exclude members when they have no property in said corporation, and generally to do or cause to be done any other act or acts, touching or concerning the interest or business of said corporation which they may deem necessary.

Officers and
agents.

Investment of
funds.

SEC. 5. That the stock of said corporation shall not exceed two thousand unredeemed shares of the par value of four hundred dollars each, payable in instalments not exceeding one dollar per share per week, the by-laws however may provide conditions for the payment of all or any part thereof in advance at the option of the stockholders, and may also prescribe the entrance fee to be paid by each stockholder at the time of subscribing, may also limit the number of shares which any stockholder may own at one time. The corporation shall have power to force the payment of all instalments and other dues of every kind from its members and stockholders, by such fines and forfeitures as may be prescribed by its by-laws, and may recover the same by law. Every member shall have one vote at all meetings of the stockholders

Capital stock.

for every share of unredeemed stock held by him, and no one shall be eligible as a director who is not the *bona fide* owner in his own right of one or more shares of unredeemed stock, and upon his ceasing so to hold in his own right unredeemed stock, it shall be the duty of the directors to declare his office vacant and to fill the vacancy.

Membership.

SEC. 6. That any person applying for membership or for stock in said corporation after the expiration of one month from the organization of the same may be required to pay on subscribing such bonds or assessment as may from time to time be fixed or assessed by the directors in order to place such new members or stockholders on an equal footing with the original members and others holding unredeemed shares at the time of such application.

Redemption of shares.

SEC. 7. That it shall and may be lawful for said corporation at any time in advance of the period or periods of time at which the several instalments on the shares of stock of any member shall become due and be entirely paid up according to the provisions of section five of this act, to redeem the same and to advance to such member, for such premium as may be agreed on, the par value of four hundred dollars per share thereof for any number of shares therein, held by him, at such a sum or price as such member may agree to receive, or to loan said sum of four hundred dollars per share for a period of years, deducting the interest thereof in advance; and on payment by the corporation of the amount so advanced for redemption of any share or shares of stock so loaned as aforesaid, to receive from such member a transfer of all his interest in such share or shares, and also security by way of mortgage on real or personal property or hypothecation of unredeemed shares of stock of said corporation held by such member; such mortgage or hypothecation conditioned for the payment by such member to said corporation of the unpaid instalments to be paid on the share or shares of stock so redeemed or transferred by him, together with the interest on the sum so paid or advanced, and all such bonds, assessment, fines and penalties which may be incurred or may be due according to the

Loans.

by-laws in respect thereof; *Provided however*, In case of *Proviso.* such hypothecation of stock, no greater sum of money shall at any time be drawn out by any member than shall have been previously paid in by him on the shares at the time of their hypothecation; and any such mortgage or mortgages, or the debt or debts intended to be secured thereby as aforesaid, are hereby declared to be exempt from taxation; the property so mortgaged as aforesaid being taxed in the hands of the individuals, member or mortgagee.

SEC. 8. That all shares of stock redeemed by, hypothecated to, purchased or advanced on by said corporation, in accordance with the preceding section, shall be considered as redeemed shares, and shall be cancelled; and it shall be lawful for such corporation to issue an equal number of shares in their stead, so that the number of unredeemed shares shall not at any time exceed the number authorized by this act. Redeemed shares.

SEC. 9. That it shall be the duty of the directors at least ten days prior to the expiration of each succeeding half year, counting from the date of organization of said corporation, to appoint of the stockholders other than their own body or any other officer of said corporation, three competent persons to investigate the affairs of said corporation, and may report thereof, which report shall be recorded in a book to be kept for that purpose, and to be at all times open for the inspection of the stockholders. Investigating committee.

SEC. 10. That this act shall take effect and be in force from and immediately after its ratification. Nothing in this act contained shall authorize said corporation to dispose of any property, real or personal by lottery or chance of any kind whatsoever. When act to take effect.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXVII.

AN ACT TO INCORPORATE THE PIONEER MANUFACTURING COMPANY.

Corporators.

SECTION 1. *The General Assembly of North Carolina do enact*, That for the purpose of erecting and operating a cotton factory in the vicinity of Wm. H. Thomas' mill in the county of Halifax, and state of North Carolina, the following named persons, viz: Thomas W. Harris, Charles J. P. Alston, Wm. H. Thorne, E. A. Thorne, Robert J. Boyd, sr., John W. Heptinstall, L. W. Batchelor, R. A. Patterson, Wm. E. Bowers, Wm. E. Spruill, Charles H. Pearson and M. A. Allen, their associates, successors and assigns, are hereby constituted a corporation and body politic, for the term of thirty years, under the name and title of "The Pioneer Manufacturing Company," with a capital stock of forty thousand dollars, (with the liberty to increase the same to three hundred thousand dollars,) to be divided into shares of one hundred dollars each, and to have the privileges and immunities belonging to corporations organized under the twenty-sixth section of the revised code.

Corporate existence.

Name.

Capital stock.

Powers and privileges.

SEC. 2. The said corporation shall have power to buy and sell, lease, mortgage or otherwise convey lands, on such terms and on such securities as may be agreed on, and to buy and sell goods, wares and merchandise (except ardent spirits, the sale of which within two miles of the site of said factory is hereby prohibited,) and to take any other measures necessary for carrying out the purposes connected with the business of said company.

Officers.

SEC. 3. The business of said company shall be managed by a president and five directors, who shall be chosen annually by the stockholders, but the president or any of the directors may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The president, with any two or more of the directors, as in the event of the sickness, absence or

inability of the president, any three or more of the directors who shall appoint one of their own body president, *pro tem.* shall constitute a board for the transaction of business. In case of vacancy in the office of president or any directors, happening from any cause, such vacancy may be supplied by the appointment of the board until the next annual meeting.

SEC. 4. The stockholders of said company shall make such by-laws for the regulation thereof as they may deem fit, not inconsistent with the laws of the state or of the United States.

By-Laws and regulations.

SEC. 5. In counting the vote, each share shall represent one vote.

Voting.

SEC. 6. This act shall be in force from and after its ratification.

When act to be in force.

Ratified the 6th day of April, A. D. 1871.

CHAPTER CXVIII.

AN ACT TO INCORPORATE THE BANK OF SALISBURY.

SECTION. 1. *The General Assembly of North Carolina do enact,* A bank is hereby established, the capital stock whereof shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be known and styled the Bank of Salisbury, to be located in the town of Salisbury, and the stockholders therein, their successors and assigns shall be a body politic and corporate, and shall so continue for thirty years, with capacity to hold and possess real and personal estate, and with all the powers and privileges granted to any banking institution by this or any preceding legislature. Said corporation to be organized whenever at least fifty thousand dollars shall be subscribed to the capital stock and paid in.

Corporation and capital stock.

SEC. 2. J. D. Caverly, John G. Shaver, Thos. E. Brown,

- Corporators.** R. E. Holmes, F. N. Lucky, E. Mauney, Samuel M. Hobson are appointed commissioners, whose duty it shall be to open books of subscription to said capital stock, at such times and for such periods as they shall determine, and said commissioners, or the directors of the bank, may re-open the books at their discretion, as long as the capital stock shall not be wholly taken. A majority of said commissioners shall be a quorum to do business.
- Books of subscription.**
- Meeting of stockholders.** SEC. 3. Whenever fifty thousand dollars at least shall be subscribed and paid into the capital stock of said bank, the said commissioners, or a majority of them shall call a meeting of stockholders at such time and place and on such notice as they may choose, and the stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed; and said directors shall choose a president to serve during their continuance in office.
- Seal and by-laws.** SEC. 4. The president and directors of the bank may adopt and use a common seal, and alter the same at pleasure, may make and adopt all necessary by-laws for their government, fix their compensation, and take security for the faithful discharge of their duties, prescribe the manner of paying for stock, and the transfer thereof; may do a general banking business, on such terms and rates of interest as may be agreed on, not exceeding the legal rate, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders, before and in preference to other creditors of the same dignity, and shall pay to the state an annual tax in lieu of all other taxes on each share of stock therein, a sum equal to that charged by the state on other property of the same value, said tax to be paid to the public treasurer during the month of July in each year.
- Privileges.**
- Transaction of business.** SEC. 5. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public or other securities, may purchase and hold real estate for the trans-

action of the business, and at pleasure sell or exchange the same, may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, and may sell and convey the same, and may discount notes and other evidences of debt, and lend money on such terms as may be agreed on not exceeding the legal rate. It may receive on deposit moneys on terms to be agreed on between the officers and depositors, minors, apprentices and *feme coverts* may deposit therein and control the deposit so made for their own separate use, free from all other control or contract whatever. The bank may receive on deposit, moneys held in trust by administrators, executors, guardians and others, and issue certificates therefor, bearing such rate of interest as may be agreed on between the parties, which certificate may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit, signed by the proper officers of the bank, shall be as binding as if under the seal of the bank.

Deposits.

SEC. 6. If any stockholder shall fail to pay his stock or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days notice of the motion, or by civil action; or the entire stock may be sold by order of the directors for cash, at the banking house at Salisbury, after advertisement of sale for twenty days in a newspaper, published in the town, and if at such sale the price should not be sufficient to discharge the amount unpaid with all costs attending the sale, the subscribers shall be liable for the deficiency in civil action.

Failure to pay for stock.

SEC. 7. If any subscriber shall assign his stock before its full payment, he and his assignee, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action, and in every case of delinquency in a subscriber or others the subscriptions shall be deemed a promissory note,

Assignment of stock.

payable to the bank, as well in respect to the remedy for recovering the same, as in the distribution of the assets of any deceased subscriber.

Agencies.

SEC. 8. Agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time, shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Power of president and directors

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation, shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank; and they shall direct when dividends of profits shall be made. They may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock, may call a special meeting on giving thirty days' notice in a newspaper published in Salisbury. At all meetings stockholders may be represented by proxy, each one hundred dollar share being entitled to one vote.

Votes.

When act to be in force.

SEC. 10. This act shall be in force from its ratification. Ratified the 6th day of April, A. D. 1871.

CHAPTER CXIX.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN
AND OF THE NEWBERN ACADEMY.

Annual election.

SECTION 1. *The General Assembly of North Carolina do enact*, That there shall be an election held according to law on the first Monday of May, one thousand eight hundred and seventy-one, and annually thereafter on that day of said

month for seven councilmen, one of which said councilmen shall reside in and be elected for one of each of the seven wards of the city, and for trustees of the Newbern academy; said councilmen shall, immediately after their qualification, elect a mayor whose term of office shall be the same term as that of the councilmen.

SEC. 2. That the salary of the mayor shall not exceed the sum of three hundred dollars per annum; the marshal three hundred and fifty dollars per annum; the treasurer three hundred dollars per annum; the city clerk two hundred and fifty dollars per annum, and each policemen, seven in number, forty dollars per month. Salary of officers.

SEC. 3. That it shall be the duty of the mayor and council of said city to keep at all times an efficient fire department with all necessary engines, hose and other apparatus, for the support of which the said authorities are hereby authorized and required to levy a special tax, to be called the fire department tax. Duty of mayor and council.

SEC. 4. That the mayor and council shall have power in addition to the subjects listed for taxation to levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector without delay, and if the same shall not be paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same; that is to say (1,) upon all itinerant medicans or peddlers vending or offering to vend in the town, a tax of five dollars a year, except such as sell only books, maps or charts, and such as sell only goods, wares or merchandize and other productions of the growth and manufacture of this state; (2,) upon every billiard table, bowling alley or other game allowed by law, and every victualizing house or restaurant established, used or kept in the town, a tax not exceeding twenty-five dollars a year; (3,) upon every permission by the board of commissioners to retail spirituous liquors, a tax not exceeding fifty dollars; (4,) upon any company of circus riders who shall exhibit within the town, tax not exceeding fifteen dollars. Powers.
Taxes.

for each separate exhibition, the tax to be paid before exhibition, and if not, to be doubled ; (5,) upon every person or company exhibiting in the town, stage or theatrical plays, slight of hand performances, rope dancing, tumbling, wire dancing or menageries, a tax not exceeding ten dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibition, or the same shall be doubled ; (6,) upon every exhibition for reward of artificial curiosities, (models of useful inventions excepted) in the town, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be doubled ; (7,) upon each show or exhibition of any other kind, and on each concert for reward, and every strolling musician, a tax not exceeding five dollars, to be paid before exhibition, otherwise to be doubled ; (8,) upon all merchants and trades, a tax not exceeding one-eighth of one per centum upon the gross amount of their sales ; (9,) upon all insurance agents, bankers and brokers, a tax not exceeding twenty-five dollars a year: *Provided nevertheless*, That no property or subjects of taxation which are especially exempted, shall be taxed by the city, and that the tax upon the poll shall not exceed one dollar, and the tax upon real estate shall not exceed one-half of one per centum upon the hundred dollars valuation of real estate, and that the taxes collected on all the subjects shall not exceed in the aggregate the sum of six thousand dollars for all purposes, including the fire department tax ; that the tax on real and personal property shall not exceed one-half of one per cent. ; that all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

Tax collector:

SEC. 5. That the said mayor and council of the city shall appoint a tax collector, a freeholder who shall be a resident of the city, and who before entering upon the discharge of his duties, shall give bond in the sum of five thousand dollars, with two or more good and sufficient securities, freeholders in the city of Newbern, to be approved by the mayor and council, and who shall justify before a justice of the peace in double the amount of the bond payable to the mayor and council of the city of Newbern with condition for the due

collection, payment and settlement of the taxes imposed by the council of said city, and the said tax collector is hereby vested with the same power and authority to collect the said taxes as well those contained in the list of taxables as those due from delinquents by distress or otherwise as by law ; sheriffs are or may be authorized to collect the public taxes, and shall be entitled to the same compensation as is or may be allowed to sheriffs for collecting the public taxes, and in case of failure to collect and pay the same within the year for which such taxes are laid, said tax collector shall forfeit his compensation for collection, and it shall and may be lawful for the superior court of law of Craven county on motion in behalf of said mayor and council, to give judgment against said tax collector and his sureties or against their heirs, executors or administrators, for all moneys wherewith said tax collector may be chargeable to said mayor and council, (that is to say) for the whole amount of taxes due the said council, except such parts thereof as may be allowed to said tax collector by the council as insolvents, or such as on proofs to the said court may by said court or jury by whom such case is tried, may be allowed to said tax collector as insolvent with costs of suit, and thereupon to award execution as in other cases of judgment in said court ; *Provided*, That ten days notice of such motion shall be given to every person against whom such judgment is applied for a *Provided*, That it shall be sufficient notice of the sale of any property by said tax collector for taxes, to advertise the same in a newspaper printed in the city of Newbern for four weeks, and for any corrupt misapplication of the funds that may come into his hands as tax collector, he shall be liable to indictment as for a misdemeanor.

Bond.

Powers of tax collector.

Failure to collect and pay taxes.

SEC. 6. That the said mayor and council of the city shall appoint from their body a treasurer, who shall give bond in the sum of five thousand dollars, payable to the mayor and council of the city of Newbern; with two or more securities, to be approved by the council, who shall be freeholders in the city of Newbern, and who shall justify before a justice of the peace in double the amount of the bond conditioned for the

Treasurer.

faithful discharge of the duties of treasurer; said treasurer shall publish a monthly itemized statement of all moneys received and disbursed by him in every ward in the city and at the courthouse door, which shall be sworn to before a justice of the peace.

Policemen.

SEC. 7. That the mayor and council may appoint not to exceed seven policemen, one for each ward, except on special occasions, when the interests and safety of the citizens or their property may require it; and the compensation of such special policemen shall in no case exceed one dollar and fifty cents *per diem*.

Taxes paid to treasurer.

SEC. 8. That all moneys arising from tax donations, or other sources, shall be paid to the treasurer of the city; and no appropriation thereof shall be made but by a board constituted of a majority of the council.

Graveyards.

SEC. 9. That the mayor and council of said city may provide graveyards in or near the town, and regulate the same, may appoint and pay a keeper, compel the keeping and returning of the bills of mortality, and may prohibit interments within the limits of the city.

Partition fences.

SEC. 10. That all partition fences between the lots of individuals of said city and occupied by both parties or their tenants, or being beneficial to both parties, shall be at their joint expense, and either party so putting up or repairing such fence may recover out of the owner or owners of such lot or lots adjoining the rateable proportion of such expense of such fence; *Provided*, That the same shall not exceed a common board fence six feet high.

Failure of officers to perform duty.

SEC. 11. That the failure of any officer of said corporation to observe and perform any duty imposed by this or any other law pertaining to the government of said city shall be deemed and held guilty of a misdemeanor, and on conviction, shall be fined at the discretion of the court, not to exceed the sum of five hundred dollars.

Acts repealed.

SEC. 12. That all laws passed since the seventh day of February, one thousand eight hundred and sixty-six, for the government of the city of Newbern, or touching the same, and also all laws enacted since said date in any manner

relating to the management or affairs of the Newbern academy, and all laws and parts of laws in conflict with this act, are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification. When act to take effect.

Ratified the 6th day April, A. D. 1871.

STATE OF NORTH CAROLINA.

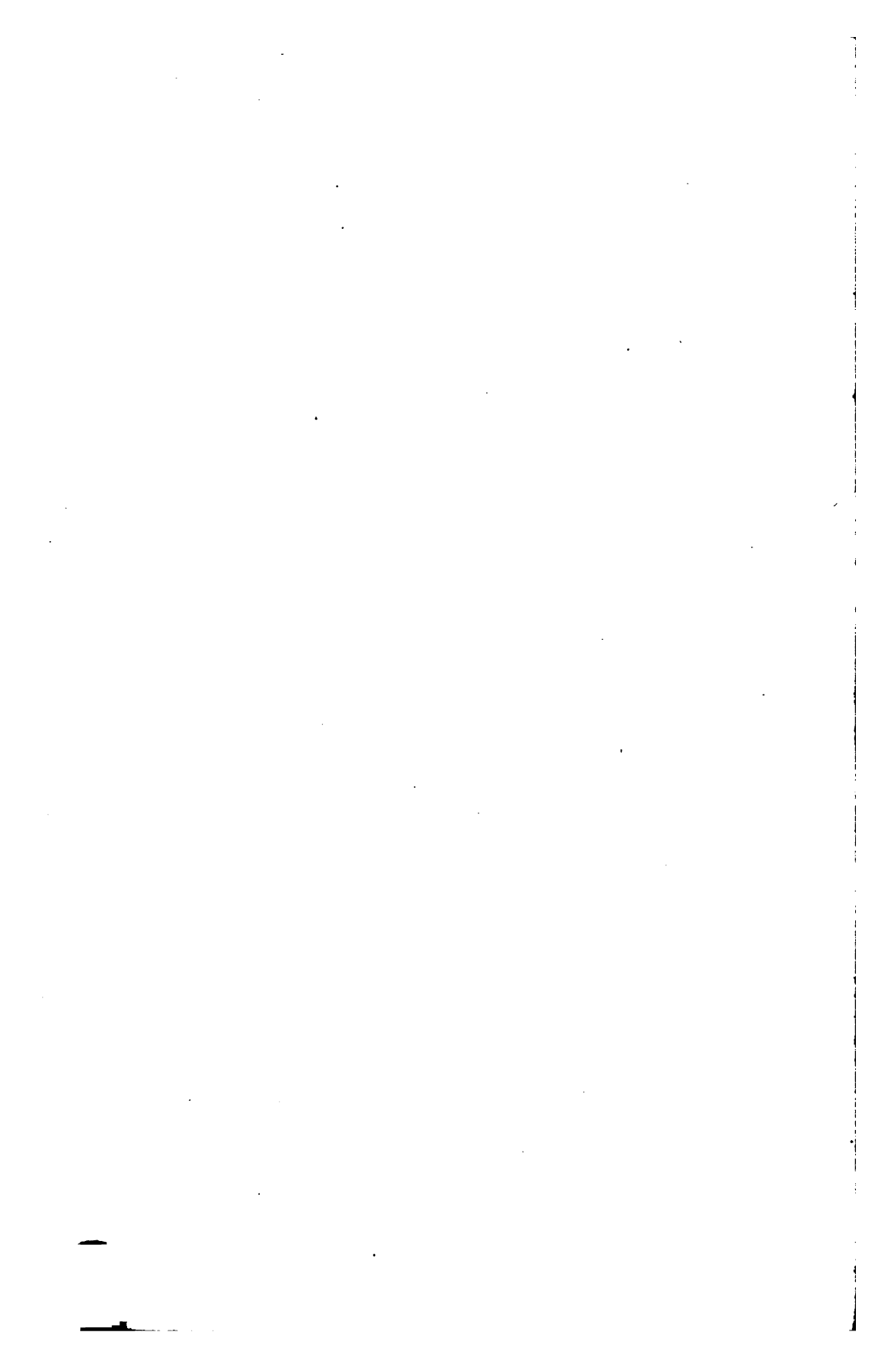
OFFICE SECRETARY OF STATE,

Raleigh, May 1st, 1870.

I, HENRY J. MENNINGER, Secretary of State, hereby certify that the foregoing are true copies of the original private acts on file in this office.

H. J. MENNINGER,

Secretary of State.



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